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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 741—PARITY PAYMENT REGULATIONS

SUBPART D—1942

Sec.

Parity payments will be made to producers of each of the commodities, wheat, cotton, corn (in the commercial corn-producing area), and tobacco, who comply with the provisions of the regulations in this subpart, except those commodities for which the sum of the basic loan rate or the average farm price, whichever is the higher, for the 1941 crop year, and the rate of payment for such commodity under the 1942 Agricultural Conservation Program equals or exceeds the parity price for the 1941 crop year.

§ 741.301 *Eligibility for payment.* An application for parity payment with respect to a commodity may be made (a) by any person for whom, under the provisions of § 741.303, a share in the payment with respect to a commodity may be computed and (b) with respect to a farm which is being operated in 1942. Application for payment with respect to a farm may be made for one or more of the commodities listed in §741.302 prior to determination of performance of all such commodities, in which case the applicant shall agree to refund all or any part of the payment if it is found after determination of performance for all the commodities that he was not entitled thereto.*

*§§ 741.301 to 741.313, inclusive, issued under the authority contained in the item "Parity Payments" 55 Stat. 446, secs. 301, 303, 52 Stat. 38, 45; 7 U.S.C. 1301, 1303.

§ 741.302 *Rates of payment and deduction*[1]—(a) *Corn.* (1) Section 701.301 (a) (8) of the 1942 Agricultural Conservation Program Bulletin,[2] as now or hereafter amended (hereinafter referred to as ACP–1942), is hereby incorporated as this subparagraph, except that the rate of payment shall be ____ cents.

(2) Section 701.301 (a) (9) of ACP–1942 is hereby incorporated as this subparagraph.

(b) *Cotton* (1) Section 701.301 (b) (7) of ACP–1942 is hereby incorporated as this subparagraph, except that the rate of payment shall be ____ cents.

(2) Section 701.301 (b) (8) of ACP–1942 is hereby incorporated as this subparagraph.

(c) *Tobacco.* (1) Section 701.301 (f) (4) of ACP–1942 is hereby incorporated as this subparagraph, except that the rate of payment for each type of tobacco shall be as follows:

	Cents
Burley	____
Flue-cured	____
Dark air-cured	____
Fire-cured	____
Virginia sun-cured	____
Cigar-filler tobacco (Type 41)	____
Cigar-filler and binder (Types 42–44, 46, 51–55)	____

(2) Section 701.301 (f) (5) of ACP–1942 is hereby incorporated as this subparagraph.

(d) *Wheat.* (1) Section 701.301 (g) (7) of ACP–1942 is hereby incorporated as this subparagraph, except that the rate of payment shall be ____ cents.

(2) Section 701.301 (g) (8) of ACP–1942 is hereby incorporated as this subparagraph.*

[1] The rates of payment will be determined and announced by the Secretary of Agriculture as soon as the statistics upon which they are required to be based become available.

[2] 6 F.R. 4111.

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FEDERAL REGISTER

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NOTICES

§ 741.303 *Division of payment and deductions.* Section 701.303 (a) (1) of ACP–1942 is hereby incorporated as this section.*

§ 741.304 *Proration of net deductions.* Section 701.303 (c) of ACP–1942 is hereby incorporated as this section.*

§ 741.305 *Deductions incurred on other farms.* (a) Section 701.306 (a) of ACP–1942 is hereby incorporated as this paragraph.

(b) Section 701.306 (b) of ACP–1942 is hereby incorporated as this paragraph.*

§ 741.306 *General provisions relating to payments.* (a) Section 701.309 (a) (1), except that the words "1942 or previous agricultural conservation programs" referred to in this subparagraph shall be deleted and the words "1942 Parity Payment Regulations" shall be substituted therefor, Practice Numbers (1), (2), (3), (5), (6), (7), (8), (9), (10), (11), and (12), of ACP–1942 is hereby incorporated as this paragraph, except that the "1942 Agricultural Conservation Program" referred to in practices (1) and (3) thereof shall be deleted and the words "1942 Parity Payment Regulations" shall be substituted therefor.

(b) Section 701.309 (b) of ACP–1942 is hereby incorporated as this paragraph, except that the words "as provided in paragraph (d) of this section," shall be deleted.

(c) Section 701.309 (c) of ACP–1942 is hereby incorporated as this paragraph, except that the words "any agricultural conservation program" referred to in the fourth paragraph shall be deleted and the words "the 1942 Parity Payment Regulations" shall be substituted therefor.

(d) Section 701.309 (f) of ACP–1942 is hereby incorporated as this paragraph, except that the reference to § 701.301 in the first sentence of this paragraph shall be deleted and the reference § 741.302 shall be substituted therefor.*

§ 741.307 *No deduction for association expenses.* No part of the parity payment computed for any farm shall be deducted for county association expenses incurred or to be incurred in connection with 1942 parity payments.*

§ 741.308 *Application for payment.* (a) Section 701.310 (b) of ACP–1942 is hereby incorporated as this paragraph.

(b) If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms. Upon request by the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crop or proceeds thereof or which he rents to another.*

§ 741.309 *Appeals.* Section 701.311 of ACP–1942 is hereby incorporated as this section, except that the words and punctuation "grazing capacity," and "or soil-building allowance;" referred to in paragraph (b) of that section shall be deleted, and the word "or" shall be inserted before

the word "measurement". The comma after the word "measurement" referred to above shall be changed to a semicolon.*

§ 741.310 *Forms and instructions.* The Agricultural Adjustment Administration shall prescribe such forms and issue such instructions as may be necessary to carry out the regulations in this subpart.*

§ 741.311 *Performance of duties of State and county committees in Hawaii and Puerto Rico.* In the event that State and county agricultural conservation committees have not been established in the Territory of Hawaii or in Puerto Rico, the Officer in Charge of the Office of the Agricultural Adjustment Administration for the Territory of Hawaii or for Puerto Rico, as the case may be, shall perform the duties of both the State and county committees as set forth in the regulations in this subpart.*

§ 741.312 *Definitions.* As used herein and in all forms and documents relating to 1942 parity payments for producers of wheat, cotton, corn (in the commercial corn-producing area), or tobacco, unless the context or subject matter otherwise requires, the terms:

(a) "Secretary, Regional Director, State committee, county committee, person, landlord, tenant, sharecropper, commercial corn-producing area, special crop allotment, acreage planted to corn, acreage planted to wheat, and acreage planted to cotton" shall have the same meanings as are assigned to them in the 1942 Agricultural Conservation Program Bulletin and supplements thereto.

(b) "Farm" means the area of land considered as a farm for the purposes of ACP–1942.

(c) "Parity" and "marketing year" shall have the same meanings as those assigned to them in the Agricultural Adjustment Act of 1938.

(d) "Allotment" means the allotment established for the farm in accordance with ACP–1942.

(e) "Normal yield" means the normal yield for a commodity determined in accordance with ACP–1942.

(f) "Permitted acreages of wheat, cotton, or tobacco" means the permitted acreage of such commodity determined in accordance with ACP–1942.

(g) "Non-corn-allotment farm" and "non-wheat-allotment farm" means such farms as defined in ACP–1942.*

§ 741.313 *Authority.* The regulations in this subpart are approved pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, 77th Congress, approved July 1, 1941; 55 Stat. 408–446), and pursuant to the provisions of sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law 430, 75th Congress, 3d Session; 52 Stat. 43, 45, 7 U.S.C., Sup., 1301, 1303).*

Done at Washington, D. C., this 16th day of February, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42–1372; Filed, February 16, 1942; 11:26 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN THE PRODUCTION AND CULTIVATION OF SUGARCANE IN THE MAINLAND CANE SUGAR AREA DURING THE CALENDAR YEAR 1942

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides the following as one of the conditions for payment to producers of sugar beets and sugarcane:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas; *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

And whereas the Secretary of Agriculture has held a number of public hearings in the mainland cane sugar area for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production and cultivation of sugarcane during the period from January 1, 1942 to December 31, 1942.

Now, therefore, I, Grover B. Hill, Assistant Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby determine that:

§ 802.241 *Fair and reasonable wage rates for persons employed in the production and cultivation of sugarcane in the mainland cane sugar area during the calendar year 1942.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production and cultivation of sugarcane in the mainland cane sugar area during the period from January 1, 1942 to December 31, 1942, if all persons employed on the farm during that period in the production and cultivation of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) *Louisiana.* (1) Tractor drivers: Not less than $1.90 per 9-hour day or 21.5 cents per hour.

(2) Teamsters: Not less than $1.50 per 9-hour day or 17 cents per hour.

(3) All other adults engaged in the production and cultivation of sugarcane (excluding harvesting): Adult male workers, not less than $1.50 per 9-hour day or 17 cents per hour; adult female workers not less than $1.25 per 9-hour day or 14 cents per hour.

(4) Children between the ages of 14 and 16 years: Not less than $1.15 per day of 8 hours (maximum hours per day for such children). For a working day shorter than 8 hours, the rate shall be not less than 14.5 cents per hour.

(b) *Florida.* (1) Tractor drivers: Not less than $2.25 per 9-hour day or 25 cents per hour.

(2) All other adults engaged in the production and cultivation of sugarcane (excluding harvesting): Adult male workers not less than $2.00 per 9-hour day or 22.5 cents per hour; adult female workers not less than $1.65 per 9-hour day or 18.5 cents per hour.

(3) Children between the ages of 14 and 16 years: Not less than $1.50 per day of 8 hours (maximum hours per day for such children). For a working day shorter than 8 hours, the rate shall be not less than 19 cents per hour.

(c) *Provisos.* Provided, however, (1) That if work is performed on any piece rate basis the earnings per hour or per day shall not be less than the applicable rates per hour or per day specified above for adult male workers or adult female workers, or children between the ages of 14 and 16 years;

(2) That for a working day longer or shorter than 9 hours, the applicable time rate for a particular operation shall be the hourly rate specified above for such operation;

(3) That the producer shall furnish to the laborer, without charge, the customary perquisites, such as, a habitable house, a suitable garden plot with facilities for its cultivation, pasturage for livestock, medical attention, and similar incidentals;

(4) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above; and

(5) That nothing in this determination shall be construed to mean that a producer may qualify for a payment under the act who has not paid in full the amount agreed upon between the producer and laborers. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C., this 16th day of February 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42–1373; Filed, February 16, 1942; 11:26 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS [1]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.207 *Qualifications for initial appointments.*

* * * * *

(e) (1) Authority is granted to Corps Area commanders to waive the provisions of § 61.69 (d) of this chapter, for the appointment as second lieutenant, Army of the United States (Medical Administrative Corps), of physically qualified male citizens of the United States above the age of eighteen years who are bona fide accepted matriculants at approved medical schools within the United States. Officers so appointed will not be ordered to active duty until eligible for appointment as first lieutenant, Army of the United States (Medical Corps).

(2) (i) Appointment will be made without reference to an examining board as prescribed in § 61.5 (c) of this chapter, and without reference to procurement objectives.

(ii) Applications and accompanying papers as prescribed in AR 605–10,[2] as amended, and §§ 73.200 to 73.218, will be forwarded by the Dean of the medical school to the Commanding General of the Corps Area in which the school is located, together with a certified statement that the applicant is a bona fide accepted matriculant in medicine at the institution.

(iii) Officers appointed under the provisions of this paragraph will be discharged for the convenience of the Government, under the following circumstances:

(*a*) Discontinuance of medical education.

(*b*) Matriculation at an unapproved school of medicine.

(*c*) Failure to complete successfully the prescribed four-year course of medical instruction.

(*d*) Failure to secure appointment in the Army of the United States (Medical Corps) within one year after completion of the prescribed four-year course of medical instruction.

(3) Students at approved schools of medicine, dentistry, or veterinary medicine who already hold Reserve commissions in other arms or services will not be ordered to active duty until they:

(i) Come within the provisions of subparagraph (2) (iii) (*a*), (*b*), (*c*), or (*d*) of this paragraph, or

(ii) Successfully complete the prescribed four-year course of medical instruction, in which latter event they may be transferred to the Medical Corps Reserve in the grade of first lieutenant.

[1] § 73.207 is amended.

[2] Administrative regulations of the War Department relative to Officers appointed in the Army of the United States.

(Act of September 22, 1941, Public Law 252, 77th Congress [Letter A.G.O. Feb. 11, 1942, AG 210.1 Med. Res. (1–26–42) RB–A]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1355; Filed, February 16, 1942; 10:21 a. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

§ 81.15 *Forms of agreement.* All transactions which involve the expenditure of funds for the procurement of supplies, as defined in AR 5–100 [2] and in §§ 81.1 to 81.9 of this title, must be evidenced by a written record as prescribed in paragraphs (a) and (b) of this section.

(a) *Formal contracts.* (1) Transactions will be evidenced by formal contracts: (i) When the amount involved is more than $500,000.

(ii) When the amount involved is more than $500 and the delivery or performance time is more than 60 days.

(iii) When otherwise required by law.

(2) Transactions payable from funds appropriated for national defense or war purposes need not be evidenced by formal contracts when the amount involved exceeds $500, does not exceed $500,000, and delivery or performance time does not exceed 180 days.

(b) *Informal contracts*—(1) *Written bid and acceptance.* Transactions falling in the categories below need not be evidenced by a formal contract, but a complete written agreement, comprising a bid, or, if authorized by AR 5–240 [2] and §§ 81.32 and 81.33 of this title, a written informal quotation signed by the contractor and an acceptance signed by the contracting officer, is required:

(i) When the amount involved exceeds $500, does not exceed $500,000, and delivery or performance time does not exceed 60 days.

(ii) When the amount involved does not exceed $500 and more than one payment is involved.

(2) *Oral or written quotation and written acceptance.* Open-market purchases authorized and made in accordance with AR 5–240, which do not exceed $500, which are based on an oral quotation, and which involve only one payment, do not require a written agreement, but a written acceptance signed by the purchasing officer is required. Where such purchases are based on a written quotation, the form of the agreement will be as prescribed in subparagraph (1) of this paragraph; that is, the agreement will consist of the written quotation and the written acceptance. (See MS. Comp. Gen. A–14836, A–28906, April 28, 1938.)

(3) *Informal quotation and signed acceptance.* Transactions payable from funds appropriated for national defense or war purposes need not be evidenced by a bid signed by the contractor when the amount involved exceeds $500, does not exceed $500,000, and delivery or performance time does not exceed 180 days. In such cases, a written informal quotation signed by the contractor and an acceptance signed by the contracting officer will suffice. (RS 3744; Sec. 1, 40 Stat. 198, 45 Stat. 985. 46 Stat. 796; 5 U.S.C. 219, 41 U.S.C. 16, Act Dec. 18, 1941, Public Law 354, 77th Congress) [Par. 5, AR 5–200, Jan. 2, 1940 as amended by Proc. Cir. 37, May 20, 1941, and Proc. Cir. 14, Feb. 6, 1942.]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1332; Filed, February 13, 1942; 2:36 p. m.]

[1] § 81.15 is superseded.

[2] Administrative regulations of the War Department relative to procurement of supplies.

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

[Amendment No. 4 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND DELETION OF CERTAIN CONTROL ZONES OF INTERSECTION

FEBRUARY 13, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and §§ 60.22 and 60.23 of the Civil Air Regulations, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 [1] of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By amending § 601.1002 to read as follows:

§ 601.1002 *Green civil airway No. 2 airway traffic control areas (Seattle, Wash., to Boston, Mass.).* All of green civil airway No. 2.

2. By amending § 601.1003 to read as follows:

§ 601.1003 *Green civil airway No. 3 airway traffic control areas (San Francisco, Calif., to New York, N. Y.).* Those portions of green civil airway No. 3: From the Municipal Airport, San Francisco, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Parco, Wyo., radio range station; from a line extended at right angles across such airway through a point on the

[1] 7 F.R. 378, 528, 597, 841.

center line thereof 25 miles east of Grand Island, Nebr., radio range station to the New York Municipal Airport, LaGuardia Field, New York, N. Y.

3. By amending § 601.1004 to read as follows:

§ 601.1004 *Green civil airway No. 4 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.).* Those portions of green civil airway No. 4: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Amarillo, Tex., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Gage, Okla., radio range station to the Municipal Airport, Philadelphia, Pa.

4. By amending § 601.1012 to read as follows:

§ 601.1012 *Amber civil airway No. 2 airway traffic control areas (Daggett, Calif., to U. S.-Canadian Border).* All of amber civil airway No. 2.

5. By amending § 601.1013 to read as follows:

§ 601.1013 *Amber civil airway No. 3 airway traffic control areas (El Paso, Tex., to Great Falls, Mont.).* Those portions of amber civil airway No. 3: From a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Engle, N. Mex., radio range station to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Pueblo, Colo., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Casper, Wyo., radio range station to the Great Falls, Mont., radio range station.

6. By amending § 601.1014 to read as follows:

§ 601.1014 *Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Bismarck, N. Dak.)* All of amber civil airway No. 4.

7. By amending § 601.10202 to read as follows:

§ 601.10202 *Red civil airway No. 2 airway traffic control areas (Whitehall, Mont., to Belgrade, Mont.).* All of red civil airway No. 2.

8. By amending § 601.10309 to read as follows:

§ 601.10309 *Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to LaCrosse, Wis.).* All of blue civil airway No. 9.

9. By amending § 601.10316 to read as follows:

§ 601.10316 *Blue civil airway No. 16 airway traffic control areas (Dillon, Mont., to Helena, Mont.).* All of blue civil airway No. 16.

10. By striking the following control zones of intersection appearing in § 601.2: Albuquerque, N. Mex.; Belgrade, Mont.; Billings, Mont.; Des Moines, Iowa; Great Falls, Mont.; Helena, Mont.; Omaha, Nebr.; Whitehall, Mont.

This amendment shall become effective 00:01 M. S. T., February 15, 1942.

CHARLES I. STANTON,
Acting Administrator.

[F. R. Doc. 42-1356; Filed, February 16, 1942; 10:20 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4317]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MCK. EDWARDS

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "McK. Edwards Eczema Remedy", or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements (1) represent, directly or through inference, that said preparation (a) is a cure or remedy for all types of eczema, or for any type of eczema except such as may be due to fungus infection, or has any therapeutic value in the treatment of eczema (except that due to fungus infection in excess of affording relief in some cases from the symptom of itching; and (b) is a cure or remedy for poison ivy or poison oak, or is a competent or effective treatment for, or has any therapeutic value in, the treatment of such conditions in excess of affording temporary relief from the symptom of itching; or which advertisements (2) fail to reveal that the use of said preparation may in some cases produce an excoriating effect upon the skin of the user; or may produce an acute and painful rash upon the skin of the user; or may, if used on certain types and conditions of eczema, seriously aggravate the eczematous condition; prohibited, subject to the provision, however, as respects said last prohibition, that such advertisements need contain only the statement, "Caution, use only as directed" if and when the directions for use wherever they appear on the label, in the labeling, or both, contain warnings to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, McK. Edwards, Docket 4317, February 9, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February A. D. 1942.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, and brief in support of the allegations of the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent McK. Edwards, an individual, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of "McK. Edwards Eczema Remedy," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement

(A) Which represents, directly or through inference, that said preparation

(a) Is a cure or remedy for all types of eczema, or for any type of eczema except such as may be due to fungus infection, or has any therapeutic value in the treatment of eczema (except that due to fungus infection) in excess of affording relief in some cases from the symptom of itching;

(b) Is a cure or remedy for poison ivy or poison oak, or is a competent or effective treatment for, or has any therapeutic value in, the treatment of such conditions in excess of affording temporary relief from the symptom of itching;

(B) Which fails to reveal that the use of said preparation may in some cases produce an excoriating effect upon the skin of the user; or may produce an acute and painful rash upon the skin of the user; or may, if used on certain types and conditions of eczema, seriously aggravate the eczematous condition: *Provided, however,* That such advertisement need contain only the statement, "Caution, use only as directed" if and when the directions for use wherever they appear on the label, in the labeling, or both, contain warnings to the above effect.

(2) Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph (1) hereof, or which advertisement fails to reveal the dangerous consequences which may result from the use of said preparation as required in said paragraph (1) hereof.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order,

file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-1349; Filed, February 14, 1942; 12:08 p. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 90]

PART 260—NATURAL GAS ACT STATEMENTS AND REPORTS

FEBRUARY 7, 1942.

§ 260.3 *Annual report; Form 133-M.* The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act:

(a) Hereby adopts, promulgates and prescribes for the use of natural-gas companies as defined in the Natural Gas Act (52 Stat. 821) which are included in Classes C and D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, for the year 1941, and annually thereafter, the accompanying form of Annual Report designated as FPC Form No. 133-M.[1]

(b) Hereby *orders* that each natural-gas company as defined in the Natural Gas Act (52 Stat. 821) which is included in Classes C and D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, shall file with the Commission an original and two conformed copies, duly executed, of such Annual Report on the aforesaid FPC Form No. 133-M, for the year 1941, and annually thereafter, said Annual Report to be filed on or before the last day of the third month following the close of the calendar year or other established fiscal year.

(c) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER. (Secs. 10 (a), 16, 52 Stat. 826, 830; 15 U.S.C. 717i, 717o)

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-1337; Filed, February 14, 1942; 10:21 a. m.]

[1] Filed as part of the original document. Requests for copies should be addressed to the Federal Power Commission.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50565]

PART 15—PROTESTS AND REAPPRAISEMENTS

CUSTOMS REGULATIONS AMENDED—PROTESTS

Section 15.2 (a) [Article 849 (a) of the Customs Regulations of 1937] is amended by substituting "not be considered" for "be rejected" in the second sentence, and by adding at the end thereof a new sentence reading:

§ 15.2 *Form of protest.* (a) * * * A protest signed by an agent or attorney not named in a power of attorney required by this article shall be received by the collector and forwarded to the United States Customs Court for a decision as to the authority of the agent or attorney to file the protest; but the collector shall not review the protest or otherwise proceed under section 515 of the Tariff Act of 1930 unless the court shall have first ruled affirmatively on the authority of the agent or attorney. When forwarding the protest to the court, the collector shall attach thereto an explanation that he has not complied with section 515 because the authority of the agent or attorney to file the protest has not been established. (Secs. 514, 515, 624, 46 Stat. 734, 759; 19 U.S.C. 1514, 1515, 1624.)

W. R. JOHNSON, *Commissioner of Customs.*

Approved: February 12, 1942.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 42-1352; Filed, February 14, 1942; 12:31 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-1271, A-1275, and A-1278]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITIONS OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3; OF E-Z FUEL COMPANY, FOR CHANGE IN SHIPPING POINT FOR ITS E-Z NO. 2 MINE, MINE INDEX NO. 192, IN DISTRICT NO. 3; AND OF L. E. SNELL (SNELL BROS. COAL CO.) FOR CHANGE IN SHIPPING POINT FOR HIS GRAFTON MINE, MINE INDEX NO. 1228, IN DISTRICT NO. 3

Original petitions having been duly filed with this Division by the above-named parties, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that the above-entitled matters raise similar and related issues; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R-II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III, § 323.3 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof, and, commencing forthwith, the shipping points and freight origin group numbers appearing in the aforesaid "Supplement R" for Mine Index No. 192 and Mine Index No. 1228, are effective in place of the shipping points and freight origin group numbers heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: January 29, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classificati on by size group numbers]

Mine index number	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group number	Size group numbers														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
192	E–Z Fuel Co. (George M. Flynn)	E–Z #2	M. V. Freeport	Newburg, W. Va.[1]	B&O	70	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						
582	Emerson, J. E.	Sugar Grove	Pittsburgh	Wolf Summit, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F						
1283	Kray Coal Company, Inc., c/o S. A. Kindall, Jr.	Helm (Strip)	M. V. Freeport	Howesville, W. Va.	W.V.N	71	J	J	J	J	J	J	J	J	J	J						
1284	Kray Coal Company, Inc., c/o S. A. Kindall, Jr.	Ream #6	M. V. Freeport	Howesville, W. Va.	W.V.N	71	J	J	J	J	J	J	J	J	J	-						
1279	LaRue, E. T. (Lyon Coal Company)	Lyon (Deep)	Bakerstown	Hardman, W. Va.	B&O	70	G	G	G	G	G	G	G	G	G	G						
1285	Preston County Coke Co.	Bull Run	M. V. Freeport	Masontown, W. Va.	B&O	70	J	J	J	J	J	J	J	J	J	J						
1228	Snell, L. E. (Snell Bros. Coal Co.)	Grafton	M. V. Freeport	Morgantown, W. Va.[2]	Monon	52	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						
1280	Stalnaker, T. Carl	Stalnaker #3	Redstone	Bendale, W. Va.	B&O	31	F	F	F	F	F	H	F	F	F	F						
1286	Starford, W. E. (Eureka Coal Company)	Webster #1 (Strip)	Pittsburgh	Webster, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F						
972	Trembly, Harry	Trembly	Pittsburgh	Gilmer, W. Va.	B&O	32	F	F	F	F	F	F	F	F	F	F						

[1] Denotes new shipping point and freight origin group. Shipping point at Irona, W. Va., on West Virginia Northern Railroad in freight origin group No. 71 shall no longer be applicable.
[2] Denotes new shipping point and freight origin group. Shipping point at Morgantown, W. Va., on Baltimore & Ohio Railroad in freight origin group No. 51 shall no longer be applicable

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule.

Group No. 1: 582, 972, 1286; group No. 2: 1280; group No. 3: 1283, 1284, 1285; group No. 6: 1279.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule.

Group No. 1: 582, 972, 1286; group No. 2: 1280; group No. 3: 1283, 1284, 1285; group No. 6: 1279.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size, but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All nut and pea, 2" and under	Run of mine, resultant over 2"	1¼" and 2", slack	¾" slack
					1	2	3	4	5	6	7
Bankhead, Walter & Manuel Bankhead (Manuel Bankhead).	1281	Bankhead	M. V. Freeport	Preston	225	225	225	200	200	190	180
Kelley, C. T	1282	Miller #7	M. V. Freeport	Preston	225	225	225	200	200	190	180
Kray Coal Company, Inc. c/o S. A. Kindall, Jr.	1283	Helm (Strip)	M. V. Freeport	Preston	225	225	225	200	200	190	180
Kray Coal Company, Inc. c/o S. A. Kindall, Jr.	1284	Ream #6	M. V. Freeport	Preston	225	225	225	200	200	190	180
LaRue, E. T. (Lyon Coal Company).	1279	Lyon (Deep)	Bakerstown	Preston	235	235	235	210	210	200	190
Preston County Coke Co.	1285	Bull Run	M. V. Freeport	Preston	225	225	225	200	200	190	180
Stalnaker, T. Carl	1280	Stalnaker #3	Redstone	Lewis	223	218	218	193	183	178	168
Starford, W. E. (Eureka Coal Company).	1286	Webster #1 (Strip).	Pittsburgh	Taylor	223	218	218	193	193	178	168

[F. R. Doc. 42–1310; Filed, February 13, 1942; 11:12 a. m.]

[Docket No. A–1154]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR A CHANGE IN THE PRICE EXCEPTION APPLICABLE TO THE COALS OF MINE INDEX NO. 125 FOR RAILROAD LOCOMOTIVE FUEL AND FOR A CHANGE IN PRICE EXCEPTION NO. 23 FOR RAILROAD LOCOMOTIVE FUEL IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

This proceding was instituted upon an original petition dated November 5, 1941, filed with the Bituminous Coal Division on November 7, 1941, by District Board 10 pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

The petition requests that the coals of the Osage Mine (Mine Index No. 125) of the Osage Coal Company, now classified in Freight Origin Group No. 114 and Price Group No. 30 be given railroad locomotive fuel price under the provisions of Exception No. 1–J in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck rather than Price Exception No. 1–H; and further requests that Price Exception 23 for railroad locomotive fuel in said schedule be amended to read as follows: "The producer may absorb the actual switching charge but not to exceed 18 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad."

By Order of the Director dated November 19, 1941, 6 F.R. 5968, temporary relief was granted as requested by the petitioner;

Pursuant to the Order of the Director referred to above and after notice to interested persons, a hearing in this matter was held on January 6, 1942, before Charles O. Fowler, a duly designated Examiner of the Bituminous Coal Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The original petitioner appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The petition of District Board 10 requests that the coals of the Osage Mine (Mine Index No. 125) of the Osage Coal Company, for sale as locomotive fuel be classified under Price Exception 1–J instead of in Price Exception No. 1–H, which was established to insure a delivered price to the railroads listed in that exception of $3.40 per net ton for mine run coal. This mine was given Price Exception 1–H on the basis of the freight rate of $1.20 per ton when, as a matter of fact, the freight rate from the Osage Mine to the railroads listed in Price Exception 1 is $1.30 per ton. The record indicates that the prices for the Osage Mine should therefore be reduced 10 cents per ton which could be effected by classifying it under Price Exception 1–J which provides for a mine run price of $2.10 and a modified mine run price of $2.15 per ton.

Price Exception 23 in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck at present reads: "The producer may absorb the actual switching charge but not to exceed 16 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad." It appears from the record that when Price Exception No. 23 was included in the Schedule of Effective Minimum Prices for All Shipments Except Truck, the actual switching charge was in fact 16 cents. However, the Tariff in which the present rate of 18 cents is contained was dated October 3, 1940, two days after the effective date of minimum prices.

There was no opposition to the requested relief. Testifying in support of the petition, Mr. J. R. Henderson, Chairman of District Board 10, explained that the coals of the Osage Mine for railroad locomotive fuel price were improperly classified in General Docket No. 15 and that the relief requested, if granted, will result in properly classifying such coal and will not prejudice the interests of other producers in the district. In view of the tariff change since October 1, 1940, the need for revising Exception No. 23 as requested seems clear. The Order of November 19, 1941, granting temporary relief should, I find, be made permanent in order to comply with the applicable standards of the Act and to effectuate the purposes thereof.

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof, § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*—(3) *Exceptions*) in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be and it hereby is amended as follows:

1. Price Exception 23 to the Railroad Locomotive Fuel Prices to read: "The producer may absorb the actual switching charge but not to exceed 18 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad."

2. The Osage Mine (Mine Index No. 125) of the Osage Coal Company be listed in Exception No. 1–J in the Exceptions to the Railroad Locomotive Fuel Prices instead of in Exception No. 1–H.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1371; Filed, February 16, 1942; 11:25 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 141—REGULATIONS RELATING TO PROPERTY VESTED IN THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED

FEBRUARY 16, 1942.

§ 141.1 *Authority for regulations.* The regulations in this part are prescribed and issued by virtue of the authority vested in the Secretary of the Treasury by the President pursuant to section 5 (b) of the Trading with the enemy Act, as amended by section 301 of the First War Powers Act, 1941.*

*§§ 141.1 and 141.2 issued under the authority contained in sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong.

§ 141.2 *Receipt and disposition of claims.* The following procedure is hereby established for the receipt and disposition of claims to property vested in the Secretary of the Treasury pursuant to section 5 (b) of the Trading with the Enemy Act, as amended by section 301 of the First War Powers Act, 1941:

(a) Claims to property vested in the Secretary of the Treasury pursuant to section 5 (b) of the Trading with the enemy Act, as amended, shall be filed with the Secretary of the Treasury on Form TFVP–1 in sextuplicate. Such claims shall be filed within such time, after the vesting in the Secretary of the Treasury of the property to which they relate, as the Secretary shall prescribe. Form TFVP–1 may be obtained from the Secretary of the Treasury, Washington, D. C. The original of each claim shall be executed under oath before an officer authorized to administer oaths, or if executed outside of the United States, before a diplomatic or consular officer of the United States.

(b) There shall be a committee to be known as the Vested Property Claims Committee, to be composed of three members designated by the Secretary of the Treasury. The members of the Committee shall designate one of their number to be Chairman. The Committee is empowered to hear claims respecting property vested in the Secretary of the Treasury pursuant to section 5 (b) of the Trading with the enemy Act, as amended, in accordance with rules and procedures to be formulated by the Committee. The Committee shall have all powers necessary to carry out its functions, including the power to call witnesses and to compel the production of books of accounts, records, contracts, memoranda, and other papers.

(c) The Secretary of the Treasury shall transmit to the Committee claims relating to property vested in the Secretary of the Treasury pursuant to section 5 (b) of the Trading with the enemy Act, as amended.

(d) Appropriate notice of hearing shall be given by the Committee at least 10 days before the time set for the hearing. This requirement of notice may be waived by any claimant.

(e) Claimants and the Secretary of the Treasury shall be entitled to representation by counsel, or otherwise, before the Committee.

(f) The Committee shall have a seal which shall be affixed to all exemplifications of the records and such other documents, orders, or notices as the Committee may determine.

(g) A complete record, including a transcript of the testimony, shall be made of any hearing before the Committee. The Committee shall transmit the record, including its findings and recommendations, to the Secretary of the Treasury.

(h) The Secretary of the Treasury, after the examination of the record, will issue a decision and will give appropriate notice of the decision rendered. The Secretary of the Treasury will take appropriate action to effectuate any decision so rendered.*

By direction of the President.

[SEAL] H. MORGENTHAU, Jr.
Secretary of the Treasury.

[F. R. Doc. 42–1360; Filed, February 16, 1942; 10:33 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 923—TUNGSTEN

Conservation Order No. M–29–b Curtailing the Use of Tungsten in Certain Items

Whereas, national defense requirements have created a shortage of tungsten for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered that:

§ 923.4 *Conservation Order M–29–b*—(a) *Prohibition on use of tungsten in articles appearing on List A.* (1) Between February 1 and April 30, 1942, inclusive, no person shall use in the manufacture of any item on List A more tungsten than 17½% of the tungsten used by him for such item during the 12-months period ending June 30, 1941.

(2) Effective May 1, 1942, no tungsten shall be used in the manufacture of any item on List A.

(b) *Limitation on all other uses of tungsten.* (1) Between February 1 and March 31, 1942, inclusive, no person shall use in the manufacture of any article not covered by paragraphs (a) or (c) of this section more tungsten than 12% of the tungsten used by him for such article during the 12-months period ending June 30, 1941.

(2) Beginning April 1, 1942, no person shall use during any calendar quarter in the manufacture of any article not covered by paragraphs (a) or (c) of this section more tungsten than 17½% of the tungsten used by him for such article in the 12-months period ending June 30, 1941.

(c) *General exceptions.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) shall not apply to the use of tungsten in the manufacture of any item on or for any of the uses set forth on List B attached, nor in the manufacture of any item which is being produced:

(1) for delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of tungsten to the extent employed is required by the specifications of the prime contract, or

(2) to comply with Safety Regulations issued under government authority, provided the pertinent provisions of such regulations were in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of tungsten to the extent employed, or

(3) with the assistance of a preference rating of A–1–j or higher.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver tungsten to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this section.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of tungsten, (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tungsten products by this section.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(2) *Appeal.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tungsten conserved, or that

compliance with this section would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board, Reference: M–29–b, on such forms as may be prescribed by said Board, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of section.* The prohibitions and restrictions contained in this section shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order issued by the Director of Priorities or the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of tungsten in the production of any article, the limitations of such other order shall be observed. In the absence of a specific direction by the Director of Industry Operations to the contrary, insofar as this section may have the effect of limiting or curtailing to a greater extent than is provided in General Preference Order M–29 [1] or any other order of the Director of Priorities or of the Director of Industry Operations, or any preference rating certificate, the use of tungsten in the production of any article, the limitations imposed by this section shall be observed.

(4) *Violations or false statements.* Any person who wilfully violates any provision of this section, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this section:

(i) "Tungsten" means and includes:

(*a*) Ores and concentrates, including beneficiated or treated forms, containing tungsten (commercially recognized).

(*b*) The element tungsten in pure form, ferrotungsten, tungsten in the form of metal powder, and other combinations with other elements in semi-manufactured or manufactured form, prepared for consumption in the manufacture of steel, or for other purposes.

(*c*) All chemical compounds having tungsten as an essential and recognizable component.

(*d*) All scrap or secondary material containing commercially recoverable tungsten as defined in (*a*), (*b*), and (*c*) above, excluding tungsten-bearing iron and steel scrap.

(ii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(iii) "Manufacture" means to fabricate, assemble or process in any way, but does not include installation of a finished product for the ultimate consumer.

(iv) "Item" means any article or any component part thereof.

(v) "Use" means both (*a*) the act of putting tungsten into process in the manufacture of any item and (*b*) the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period, this limitation applies respectively to (1) the amount of material put into process during the base period and (2) the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(vi) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(6) *Effective date.* This section shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. 671, 76th Cong., 3d Sess., as amended by Pub. 89, 77th Cong., 1st Sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List A of Conservation Order M–29–b

The use of tungsten in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Grinding Wheels.
Gauges.
Coloring material for rubber, linoleum or other similar materials.
Coloring or coating materials for paper of any and all descriptions, including wall paper.

List B of Conservation Order M–29–b

The uses, and the items listed below and parts thereof are excepted from the prohibitions and restrictions contained in paragraphs (a) and (b) of the foregoing Conservation Order, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Corrosion-resisting material.
Tungsten-bearing alloy steel in all forms.
Hard-facing materials.
Hard-cutting alloys (cemented carbides), tools and tool tips.
Atomic hydrogen welding rods.
Laboratory reagents and pharmaceuticals.
Laboratory and research equipment.
Electrical equipment, including ignition systems.
Radio equipment.
X-Ray and physical therapy equipment.
Electronic relays.
Electric lighting—filament and fluorescent.

[F. R. Doc. 42–1350; Filed, February 14, 1942; 11:36 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L–1–d

Requiring certain reports to be filed by dealers, distributors and finance companies, dealing with Motor Trucks, Truck Trailers and all manufacturers of such vehicles.

It is hereby ordered, That:

§ 976.14 *Supplementary General Limitation Order L–1–d*—(a) *Inventories to be taken as of February 11 and February 28, 1942.* In order that the War Production Board may obtain a full and complete inventory of all light, medium and heavy motor trucks, and truck trailers as of the close of business February 11, 1942 and February 28, 1942, every person engaged in the business of manufacturing, selling, distributing or financing light, medium and heavy motor trucks and truck trailers, as defined in Amendment No. 1 Limitation Order L–3, § 976.3 (light motor trucks), and Amendment No. 3 Limitation Order L–1–a, § 976.1 (a) (1) (Medium and heavy motor trucks and truck trailers), shall fill out the forms designated Office of Price Administration forms R–204, R–205, R–206 and R–207, as therein required, when the same are received from the Office of Price Administration.

(b) *Forms to be used.* Office of Price Administration forms R–204 and R–206 are to be used by dealers, distributors and finance companies; forms R–205 and R–207 are to be used by manufacturers.

(c) *Where to mail forms.* When completely filled out the originals and copies of forms R–204, R–205, R–206 and R–207 should be mailed according to directions appearing on the face of each form; the original to be mailed to the Office of Price Administration, Automobile Inventory Unit, Channin Building, 122 East 42nd Street, New York.

(d) *Effective date.* This section shall become effective immediately. (P.D Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. 671, 76th Cong. 3d Sess., as amended by Pub. 89, 77th Cong. 1st Sess.)

Issued this 14th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1346; Filed, February 14, 1942; 11:36 a. m.]

[1] 6 F.R. 4521, 6644.

PART 980—RAYON YARN

Amendment No. 2 to Supplementary Order M–37–a To Conserve the Supply and Direct the Distribution of Rayon Yarn

Section 980.2 (Supplementary Order M–37–a, as amended December 10, 1941 [1]) is hereby amended in the following respects:

(1) Paragraph (b) (6) is amended by substituting "100%" for "¾" in the first line thereof.

(2) Paragraph (c) (1) (i) is amended by substituting "12 percent" for "9 percent" in line five thereof.

(3) Paragraph (c) (1) (ii) (c) is amended by substituting "10.65 percent" for "7.65 per cent" in the first line thereof.

(4) Paragraph (c) (2) (i) is amended by substituting "6 percent" for "5 percent" in line four thereof.

(5) Paragraph (c) (2) (ii) (c) is amended by substituting "5 percent" for "4 percent" in the first line thereof.

Effective date: This amendment shall take effect March 1, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. 671, 76th Cong., 3d sess., as amended by Pub. 89, 77th Cong., 1st sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1347; Filed, February 14, 1942; 11:37 a. m.]

PART 1001—TIN

Amendment No. 1 to Conservation Order No. M–43–a

Paragraph (a) of § 1001.2 (Conservation Order M–43–a [2]) is hereby amended by adding thereto subparagraph (3) to read as follows:

(3) Effective February 14, 1942, no manufacturing jeweler shall for the purpose of manufacturing jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains, or any component parts thereof, fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat or process in any other way, or in any way change the form of or add or solder any metal to, any tin metal or tin bearing material to which no other metal had been added or soldered by said date by any manufacturing jeweler.

The portion of paragraph (c) of § 1001.2 (Conservation Order M–43–a) before subparagraph (1) is hereby amended to read as follows:

(c) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in subparagraph (a) (except those contained in subparagraph (3)) and in paragraph (b) shall not apply to the use of tin in the manufacture of any item which is being produced:

Subparagraph (5) of paragraph (f) of § 1001.2 (Conservation Order M–43–a) is hereby amended by adding thereto subparagraph (viii) to read as follows:

(viii) "Manufacturing jeweler" means any manufacturer of jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains, of any component parts thereof.

This amendment shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. 671, 76th Cong., 3d sess., as amended by Pub. 89, 77th Cong., 1st sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1348; Filed, February 14, 1942; 11:37 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS

Amendment No. 3 to Conservation Order M–47 to Conserve the Supply and Direct the Distribution of Burlap and Burlap Products

Paragraph (i) of § 1014.1 (*Conservation Order M–47* [1]) is amended by adding thereto the following subparagraph (4) immediately after subparagraph (3):

"(i) *Quotas for users of agricultural bags.*

* * * * *

(4) The provisions of subparagraphs (1), (2) and (3) of this paragraph (i) shall not apply to purchases, sales, deliveries, or other dispositions of Agricultural Bags for the purpose of sacking and shipping of wool, as it is sheared, or for the purpose of sacking and shipping of seed potatoes or peanut seed, to any Person who requires such Agricultural Bags for actual use within the next thirty days after receipt thereof, for any such purpose. No Bag Manufacturer shall sell, deliver, or in any other manner dispose of Agricultural Bags to any such Person, unless and until such Bag Manufacturer shall have received from such Person a certificate, manually signed by such Person, or by an individual authorized to sign for such Person, substantially in the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the Agricultural Bags covered by the annexed purchase order are needed for sacking and shipping of (here insert wool, seed potatoes, or peanut seed, as the case may be), and they are needed by him for such use by him or for distribution to others for such use by them; that to the best of the undersigned's knowledge and belief, such Bags will be so used within the next thirty days after (here insert date when receipt of bags is required). The undersigned further certifies that the amount of Agricultural Bags covered by the annexed purchase order, together with all such Bags, new and/or second hand, now held by the undersigned, or now scheduled to be received by the undersigned on or before the delivery date specified in the annexed purchase order, will not be in excess of the amount required by him for use in the said thirty-day period.

The undersigned further certifies that all reasonable efforts have been made by the undersigned to obtain and use some other form of packaging but have not been successful.

No purchaser shall resell or deliver any unused bags so purchased to any other Person, unless and until such purchaser shall have first received from such other Person a certificate in the above form.

Every Bag Manufacturer must sell at regularly established prices and terms of sale and deliver any supply of Agricultural Bags held by him at any time after the effective date of this Amendment, whether theretofore or thereafter manufactured, for the purposes specified in this subparagraph (4), to Persons filing such certificates, and deliveries must be made to such Persons in the order of the commencement of the thirty-day periods specified in their said certificates. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Effective date. This Amendment shall take effect immediately. Issued this 16th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1374; Filed, February 16, 1942; 11:47 a. m.]

PART 1015—CELLOPHANE AND SIMILAR TRANSPARENT MATERIALS DERIVED FROM CELLULOSE

Amendment No. 2 to Limitation Order L–20 [1] to Limit the Use of Cellophane and Similar Transparent Materials Derived from Cellulose

Section 1015.1 (*Limitation Order L–20*) is hereby further amended to read as follows:

Present paragraph (j) is hereby amended to read as follows:

(j) *Effective date.* This Order shall take effect immediately and shall continue in effect until March 17, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (s), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

This Order shall take effect immediately. Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1376; Filed, February 16, 1942; 11:48 a. m.]

[1] 6 F.R. 4945, 5730, 6358.
[2] 7 F.R. 33.

[1] 6 F.R. 6648; 7 F.R. 34, 251, 396.

[1] 6 F.R. 5730; 7 F.R. 222.

PART 1034—TUNG OIL

Amendment No. 1 to General Preference Order No. M–57 [1] *To Conserve the Supply and Direct the Distribution of Tung Oil*

Section 1034.1 (*General Preference Order No. M–57*) is hereby amended as follows:

Present paragraph (f) is hereby amended to read as follows:

(f) *Effective date.* This Order shall take effect immediately and shall expire April 15, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., third sess., as amended by Pub. No. 89, 77th Cong., first session)

This Order shall take effect immediately. Issued this 14th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1375; Filed, February 16, 1942; 11:49 a. m.]

PART 1047—PETROLEUM

Supplementary Order No. M–68–1—General Exception Authorized by Paragraph (c) (10) of Conservation Order M–68, as Amended [2]

Whereas, immediate production of large quantities of Natural Gas in the States of New York, Pennsylvania, West Virginia, Ohio, and Kentucky is necessary for the continued effective operation of industries engaged in essential war production;

Now, therefore, it is hereby ordered that:

§ 1047.2 *Supplementary Order M–68–1*—(a) *Wells drilled to the Onandaga Limestone, Oriskany Sandstone or Devonian Shale Horizons.* The provisions of paragraph (b) of Conservation Order M–68, as amended, shall not apply to any case where Material is to be used by an Operator, engaged in the Production of natural gas in the States of New York, Pennsylvania, West Virginia, Ohio, or Kentucky, to drill, complete, or provide additions to any well drilled to the Onandaga Limestone, Oriskany Sandstone or Devonian Shale Horizons in any discovered or undiscovered natural gas field, other than a Condensate Field, located in the above-mentioned States, where such well conforms to a uniform spacing pattern of not more than one single well to each 160 surface acres: *Provided,* That no well be "spudded" by such Operator unless:

(1) Such well is to be drilled on a drilling unit of not less than 160 surface acres;

(2) The proposed drilling unit upon which such well is to be located consists entirely of acreage which is not attributable to any well other than such proposed well. The acreage attributable to wells offsetting the proposed drilling unit shall be determined by assigning to such wells an acreage equivalent to that in the existing well density or drilling pattern equivalent to such wells. No portion of a drilling unit shall fall within 660 feet of an existing well;

(3) All separate property interests of less than 160 surfaces acres or in tracts on which a well cannot be drilled in conformity with the terms of this Order, contained within the drilling unit on which any well is to be drilled, are first consolidated with each other, another, or other property interests to form a drilling unit of not less than 160 surface acres on which a well may be drilled under the terms of this Order;

(4) Before any well may be drilled, other than a well permitted to be drilled by paragraph (a) (3) of this Order, all separate property interests of less than 160 acres or in tracts in which a well cannot be drilled in conformity with the terms of this Order, adjoining or contiguous to a drilling unit on which a well can be drilled, are consolidated with each other, another, or other property interests to form a drilling unit of not less than 160 surface acres on which a well may be drilled in conformity with the terms of this Order;

(5) Such well is drilled at least 1980 feet from all wells "spudded" subsequent to December 23, 1941;

(6) Such well is drilled at least 990 feet from all wells "spudded" or completed on or before December 23, 1941;

(7) Such well is drilled at least 660 feet from any lease line, property line, or subdivision line which separates unconsolidated property interests.

(b) *Wells drilled to sands or horizons other than horizons specified in paragraph (a) of this section.* The provisions of paragraph (b) of Conservation Order M–68, as amended, shall not apply to any case where Material is to be used by an Operator, engaged in the Production of natural gas in the States of New York, Pennsylvania, West Virginia, Ohio, or Kentucky, to drill, complete, or provide additions to any well drilled to horizons other than those specified in paragraph (a) of this section in any discovered or undiscovered natural gas field, other than a Condensate Field, located in the above-mentioned States, where such well conforms to a uniform spacing pattern of not more than one single well to each 40 surface acres: *Provided,* That no well shall be "spudded" by such Operator unless:

(1) Such well is to be drilled on a drilling unit of not less than 40 surface acres;

(2) The proposed drilling unit upon which such well is to be located consists entirely of acreage which is not attributable to any well other than such proposed well. The acreage attributable to wells offsetting the proposed drilling unit shall be determined by assigning to such wells an acreage equivalent to that in the existing well density or drilling pattern equivalent to such wells. No portion of a drilling unit shall fall within 330 feet of an existing well;

(3) All separate property interests of less than 40 surface acres or in tracts on which a well cannot be drilled in conformity with the terms of this Order, contained within the drilling unit on which any well is to be drilled, are first consolidated with each other, another, or other property interests to form a drilling unit of not less than 40 surface acres on which a well may be drilled under the terms of this Order;

(4) Before any well may be drilled, other than a well permitted to be drilled by paragraph (b) (3) of this Order, all separate property interests of less than 40 surface acres or in tracts in which a well cannot be drilled in conformity with the terms of this Order, adjoining or contiguous to a drilling unit on which a well can be drilled, are consolidated with each other, another, or other property interests to form a drilling unit of not less than 40 surface acres on which a well may be drilled in conformity with the terms of this Order;

(5) Such well is drilled at least 990 feet from all wells "spudded" subsequent to December 23, 1941;

(6) Such well is drilled at least 660 feet from all wells "spudded" or completed on or before December 23, 1941;

(7) Such well is drilled at least 330 feet from any lease line, property line, or subdivision line which separates unconsolidated property interests.

(c) This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 13th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1333; Filed, February 13, 1942; 4: 03 p. m.]

PART 1097—SHEARLINGS

General Conservation Order M–94 To Conserve the Supply and Direct the Distribution of Shearlings

Whereas the uncertainty of future shipments of shearlings and the fulfillment of requirements for the defense of the United States have resulted in a shortage in the supply of shearlings for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of shearlings and to allocate the supply thereof in the manner hereinafter in this Order provided;

Now, therefore, it is hereby ordered, that:

§ 1097.1 *General Conservation Order M–94*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all

[1] 7 F.R. 182.
[2] 6 F.R. 6687; 7 F.R. 281, 601.

transactions affected thereby are subject to the provisions and definitions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Shearling" shall mean the skin of a sheep that has been shorn, a so-called California lamb skin, or other native lamb skin, whether raw, semi-processed, or finished, having a wool growth of 2" or less and a Bradford wool count of 50 and up.

(2) "Mouton" shall mean a shearling which has been fur dressed, made water repellent, and is of the type normally used in the manufacture of women's fur coats.

(3) "Process" shall mean tanning, dressing, dyeing or finishing.

(c) *Restrictions on processing.* No person shall hereafter process any shearling or cause it to be processed, except to the extent necessary to fill Defense Orders.

(d) *Restrictions on pulled wool.* No person shall hereafter pull or cause to be pulled any wool from any freshly flayed or salted sheep skin or lamb skin when the wool is of such a length and type as to constitute a wool growth of 2" or less having a Bradford wool count of 48 and up.

(e) *Restrictions on processed shearlings.* Any person owning or possessing processed or semi-processed shearlings not needed to fill his then existing Defense Orders, except shearlings, (1) of a natural black or mottled with black color, or (2) having a wool pile which will finish with less than a ¼" wool pile, or (3) which were processed prior to December 12, 1941 and are held in stock in a color other than beige, cream, white or logwood, must not finish such shearlings or cause them to be finished in a color not acceptable under specifications respecting processed shearlings in any Military or Naval contract which is unfilled on the date of this order or in any future Military or Naval contract and may use such shearlings only for filling such contracts.

(f) *Release of moutons and imperfect shearlings.* Any person having, owning or possessing

(1) Moutons which had been processed on or before December 12, 1941,

(2) Processed shearlings which cannot be used to fill Defense Orders because of imperfections in the wool or leather of the same,

may apply to have such released from the terms and provisions of this Order by making written application to the Director of Industry Operations, manually signed on behalf of the person requesting such release by a person duly authorized thereto, containing a statement of the reasons why such moutons and/or shearlings should be released and having at the end thereof the following statement:

The undersigned hereby represents to the Director of Industry Operations that the statements contained herein are true and correct with full knowledge that he may be prosecuted under Section 35 (A) of the Criminal Code (18 U.S.C. 80) for any false representations contained herein.

(g) *Repeal of telegraphic order.* This Order shall and hereby does repeal and revoke the telegraphic order sent by the Director of Priorities to shearling tanners on December 12, 1941.

(h) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of shearlings and moutons conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram, or upon such forms as may hereafter be prescribed, Reference M-94, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to the War Production Board.* All communications concerning this Order shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C. Ref: M-94.

(j) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 16th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1378; Filed, February 16, 1942; 11:47 a. m.]

PART 1105—SUGAR

General Preference Order No. M-98 to Conserve the Supply and Direct the Distribution of Raw Sugar

Whereas it appears that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of raw sugar for the combined needs of defense, private account and export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of raw sugar:

Now, therefore, it is hereby ordered, That:

§ 1105.1 *General Preference Order. M-98*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions for the purposes of this order.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Raw Sugar" means any grade or type of saccharine product derived from sugarcane which is in crystalline form and which polarizes 98.5° or less, and any saccharine product of sugarcane in liquid form which is produced outside the continental United States and which contains non-sugar solids (excluding any foreign substance which may have been added) equal to 6 percentum or less of the total soluble solids.

(3) "Refiner" means any person in the continental United States who was engaged in the refining of Raw Sugar during the calendar year 1941.

(4) "Manufacturer" means any person in the continental United States who in 1941 bought or accepted Delivery from any source of Raw Sugar to use it in the manufacture of any product for human consumption, other than Direct-Consumption Sugar.

(5) "Delivery" means as follows:

(i) For Raw Sugar from foreign countries, arrival at a port of entry in the continental United States under customs' control.

(ii) For Raw Sugar for insular domestic areas, receipt at a port of entry in the continental United States.

(iii) For Raw Sugar produced in the continental United States, delivery as defined in the administration of the Sugar Act of 1937.

(c) *Restrictions on refiners and manufacturers.* Unless specifically authorized by the Director of Industry Operations, (1) no person other than a Refiner or a Manufacturer, or the agent of a Refiner or a Manufacturer, shall purchase, import, or accept delivery of Raw Sugar during the calendar year 1942.

(2) No Refiner shall purchase, import, or accept delivery of Raw Sugar during the calendar year 1942, in excess of any allotment which may be established from time to time for such Refiner by the Director of Industry Operations nor in violation of any order or regulation which may from time to time be prescribed by the Director of Industry Operations.

(3) No Manufacturer shall import or accept Delivery of Raw Sugar except in accordance with the provisions of General Preference Order No. M-55 as amended.

(d) *Records.* Each person participating in any transaction to which this Order applies shall keep and preserve for a period of not less than two years accurate and complete records of his in-

ventories of the Material or Materials to which such Order relates and of the details of all transactions in such Materials. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the Material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of Defense Orders and all other rated orders either accepted or offered and rejected, and other pertinent information.

(e) *Reports.* (1) Each Person participating in any transaction to which this Order applies shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(2) Each Refiner accepting Delivery of Raw Sugar during the calendar year 1942 shall report to the War Production Board the information on the forms now required in the administration of the quota provisions of the Sugar Act of 1937 by filing such forms with the Sugar Division of the Department of Agriculture as agent of the War Production Board.

(f) *Appeal.* Any Person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may apply for relief to the War Production Board by telegram or letter, setting forth the pertinent facts and the reason such person considers that he is entitled to relief.

(g) *Violations.* Any person who wilfully violates any provisions of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Communications.* Appeals and other communications concerning this Order, with the exception of the reports referred to in paragraph C-4 hereof, should be addressed to: War Production Board, Washington, D. C. Ref: M-98.

(i) *Effective date and termination.* This Order will be effective until December 31, 1942 unless revoked, amended or modified prior thereto. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1377; Filed, February 16, 1942; 11:49 a. m.]

PART 1105—SUGAR

Supplementary Order No. M-98-a

§ 1105.2 *Supplementary Order M-98-a.* (a) Pursuant to paragraph (c) of § 1105.1 (*General Preference Order M-98*) no Refiner shall purchase, import, or accept Delivery of Raw Sugar produced in areas outside the continental United States in excess of the allotment hereby established for the period from January 1, 1942, to September 30, 1942, for him in the amount set forth below opposite his name. Such allotment may be changed or modified from time to time by the Director of Industry Operations. All such Raw Sugar purchased, imported, or received by him between January 1, 1942, and the date of this Order shall be charged against such allotment.

	Short tons, raw value
American Sugar Refining Company	688,723
J. Aron & Company, Inc.	23,992
California & Hawaiian Sugar Refining Corp:	
West Coast	291,806
East Coast	98,501
Colonial Sugars, Inc.	87,783
Godchaux Sugars, Inc.	106,415
Henderson Sugar Refinery, Inc.	49,925
Imperial Sugar Company	79,946
W. J. McCahan Sugar Refining & Molasses Co.	121,982
National Sugar Refining Company	441,437
Pennsylvania Sugar Company	158,848
Refined Syrups & Sugars, Inc.	77,356
Revere Sugar Refinery	115,862
Savannah Sugar Refining Corp.	46,880
South Coast Corporation	5,906
Sterling Sugars, Inc.	13,995
Sucrest Corporation and Affiliates	62,490
Western Sugar Refinery:	
West Coast	69,836
East Coast	45,231
Tea Garden Products Co.	454

(b) Purchases, importations, or acceptances of Delivery, within the allotment established in paragraph (a) of this section, of Raw Sugar produced in any areas outside the continental United States (except the Territory of Hawaii) shall be made only upon the specific authorization of the Director of Industry Operations.

(c) This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1379; Filed, February 16, 1942; 11:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 7 TO SUPPLEMENTARY ORDER NO. M-15-C[1] TO RESTRICT TRANSACTIONS IN NEW RUBBER TIRES, CASINGS AND TUBES

Section 940.4 (c) (2) is amended to read as follows:

§ 940.4 *Supplementary Order M-15-c.*

* * * * *

(c) *Prohibition on deliveries of new rubber tires, casings and tubes except to persons possessing certificates.*

* * * * *

(2) The prohibition set forth in subparagraph (1) of this paragraph (c) which include prohibitions against both transfer of any legal or equitable right or interest in or to, or physical transfer of, any new rubber tire, casing or tube including the placing of such tire, casing or tube upon a wheel or rim shall not apply in the following cases:

(i) Any person who on December 11, 1941 was not a retailer, distributor, wholesaler or manufacturer, may transfer any new rubber tire, casing or tube which was owned and physically possessed by him prior to December 11, 1941, including the placing of such tire, casing or tube upon the wheel or rim of any vehicle owned or operated by him, provided no change in ownership, possession or control occurs.

(ii) Any person may deliver, ship, or transfer new tires or tubes to a public warehouse for storage, provided there is no change in ownership, use, or control involved in this delivery, shipment, or transfer.

Any person operating a public warehouse may deliver any new tire, casing or tube stored in such public warehouse after December 11, 1941, to the person who delivered such tire or tube for storage provided no such delivery may be made without first obtaining authorization for such delivery from the Office of Price Administration, Washington, D. C.

But such prohibitions shall apply to prevent any person who on December 11, 1941, or at any time thereafter was a retailer, distributor, wholesaler, or manufacturer, from mounting any new rubber

[1] 6 F.R. 6792; 7 F.R. 121, 350, 435, 473, 1009.

tire, casing or tube upon any vehicle owned by him or otherwise subject to his control unless he holds a certificate issued by the Office of Price Administration, except a manufacturer may mount new tires, casings or tubes on a vehicle owned by him or otherwise subject to his control and used exclusively for testing purposes and not in connection with any other use. No provision of this paragraph (c) shall impose any liability upon any common carrier for the transportation in the regular course of its business of any new rubber tire, casing or tube not owned by such common carrier and shall not excuse any common carrier from its obligation to accept any goods for transportation. (§ 940.4 (a), 6 F.R. 6792)

This Amendment No. 7 shall become effective February 16, 1942. Issued February 16, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1335; Filed, February 13, 1942; 4:43 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED TIRE RATIONING REGULATIONS[1]—TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Pursuant to the authority vested in me by Supplementary Order No. M-15-c of the Office of Production Management, issued December 27, 1941, and by Rationing Regulation No. 1 thereunder, and by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1B, issued February 2, 1942.

It is hereby ordered, That:

DEFINITIONS

Definitions

§ 1315.151 *Definitions.* For the purpose of these regulations—

(a) "Board" means a Local Rationing Board.

(b) "Camelback" means the uncured rubber compound applied to the worn tire to make the new tread in the process of recapping or retreading.

(c) "Commercial account" means a person who operates five or more vehicles using tires.

(d) "Consumer" of a tire or tube means any person who purchases or accepts delivery of a new tire or tube or retreaded or recapped tire for use and not for resale, or brings a tire to a retreader or recapper to be retreaded or recapped, the tire to be returned to such person but not for resale.

(e) "Delivery" means sale, lease, loan, trade, delivery, or shipment or any transaction involving a change in the right or title to, or interest in a commodity, but does not include changes in physical location not involving any such change in right, title, or interest.

(f) "Distributor" means a person selling new rubber tires, casings, or tubes both to consumers, including commercial accounts, and to persons who buy for purposes of resale.

(g) "List A" means the list of eligible vehicles set forth in § 1315.405.

(h) "List B" means the list of eligible vehicles set forth in § 1315.504.

(i) "Local defense council" means any person or body established pursuant to a State statute or State executive order to organize, administer, and direct State

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[1] 7 F.R. 72, January 3, 1942; Amendment No. 1 thereto, 7 F.R. 257, January 14, 1942; Supplementary Order No. M-15-c, 6 F.R. 6792, December 30, 1941, Amended 7 F.R. 121, 350, 434, 473, January 6, 17, 21, 23, 1942; Directive No. 1, 7 F.R. 562, January 28, 1942, Supplementary Directive No. 1B, 7 F.R. 925, February 11, 1942.

Maximum prices for the retail sale of new rubber tires and tubes and of retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses have been established by the Office of Price Administration by the issuance of Price Schedules Nos. 63 and 66, respectively. Copies are available upon request to that Office.

defense efforts within any part of a State or within any political subdivision thereof.

(j) "Mail-order house" means any business establishment which prior to the issuance of these regulations, (§§ 1315.151 to 1315.1199, incl.) conducted a substantial part of its business by soliciting and filling mail orders based on a catalogue issued at regular intervals.

(k) "Manufacturer" means a person who manufactures new rubber tires, casings or tubes.

(l) "New" as applied to tires and tubes means a tire or tube that has been used less than 1,000 miles.

(m) "Passenger automobile" means any motor vehicle designed to carry fewer than ten passengers on the highway.

(n) "Passenger type tire" means a tire primarily designed for use on a passenger automobile.

(o) "Person" means any individual, partnership, corporation, association, Government, Government agency or subdivision, or other form of enterprise.

(p) "Purchase" means purchase, lease, trade, borrow, or accept delivery, shipment, or transfer by gift or otherwise.

(q) "Purchaser" means a person making a purchase as defined herein.

(r) "Recapped or retreaded tire" means any tire which has been retreaded or recapped and used less than 1,000 miles thereafter, and includes a retreaded or recapped tire, the carcass of which is supplied to the retreader or recapper by another person for retreading or recapping on behalf of such person.

(s) "Recapper or retreader" means any person who possesses retreading or recapping equipment and who, prior to or subsequent to, the date of these regulations (§§ 1315.151 to 1315.1199, incl.) engaged or is engaged in retreading or recapping for another person.

(t) "Recapping" means the process of tread renewal where the worn tread of the tire is buffed off the top surface of the tire and rubber is applied to the tread surface only, or the process of tread renewal where in addition to buffing off the worn tread the shoulders of the tire also are buffed below the shoulder design and rubber is applied to both the tread surface and tire shoulders.

(u) "Retailer" means a person selling new rubber tires, casings or tubes exclusively to consumers, including commercial accounts.

(v) "Retreading" means the process of reconditioning a tire by removing all the original tread rubber from the worn tire down to the fabric and applying rubber to the tread surface and sidewalls.

(w) "Rubber" means all forms and types of rubber including reclaimed rubber.

(x) "State" means any State, Territory or possession of the United States and the District of Columbia.

(y) "State defense council" means any person or body established pursuant to a State statute or State executive order to organize, administer, and direct State defense efforts over a State-wide area.

(z) "Tire" means any solid or pneumatic rubber tire or casing capable of being used on any passenger automobile, truck, bus, motorcycle, or farm implement.

(aa) "Transfer" means sale, lease, loan, trade, shipment, delivery or transfer or any transaction involving a change in right or title to, or interest in any commodity, including any changes in use or physical location, and including the placing of a tire or tube upon a wheel or rim.

(bb) "Truck" means any vehicle other than a passenger automobile or station wagon, designed for use on the highways to carry freight, including raw materials, semi-finished goods and finished products, farm products and foods, or designed for use for road-grading, earth-moving, or other similar off-the-road purposes.

(cc) "Tube" means any rubber tube capable of being used within a tire casing on any automobile, truck, bus, motorcycle, or farm implement.

(dd) "Wholesaler" means a person selling new rubber tires, casings, or tubes exclusively to persons buying for purposes of resale and to commercial accounts.*

*§§ 1315.151 to 1315.1199, inclusive, issued pursuant to Pub. Law 421, 77th Cong. 2d Sess., Jan. 30, 1942, OPM Supp. Order No. M–15 c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925.

Organization

§ 1315.201 *Personnel.* The tire-rationing program established in these regulations (§§ 1315.151 to 1315.1199, incl.) by the Office of Price Administration, pursuant to the delegation of power from the Office of Production Management in Supplementary Order No. M–15–c and pursuant to the further delegation of power from the War Production Board in Directive No. 1 and Supplementary Directive No. 1B, will be administered by Local Rationing Boards, consisting of three members, Local Rationing Administrators, and State Rationing Administrators, all of whom shall be federal employees, serving without compensation, subject to the supervision and control of the Office of Price Administration.*

§ 1315.202 *Eligibility.* Members of Boards, Local Rationing Administrators, and State Rationing Administrators must be eligible to serve as federal employees, without compensation, under state and federal laws.*

§ 1315.203 *Appointment.* Members of Boards and Local Rationing Administrators shall be selected by the Local Defense Councils in the areas in which they are to serve and shall be appointed by the Office of Price Administration. State Rationing Administrators shall be selected by the State Defense Councils in the states in which they are to serve and shall be appointed by the Office of Price Administration. Any appointment subject to provisions of these regulations (§§ 1315.151 to 1315.1199, incl.) may be terminated at any time by the Office of Price Administration.*

§ 1315.204 *Duties.* The persons appointed to administer the tire-rationing program shall have such duties and responsibilities as the Office of Price Administration may from time to time direct.*

§ 1315.205 *Jurisdiction of Boards.* Each Board shall have jurisdiction over all vehicles garaged or normally stationed in the area which it has been designated to serve: *Provided, however,* That in certain instances it may act with respect to vehicles normally located outside its jurisdiction subject to the provisions of paragraph (b) of § 1315.604 of these regulations (§§ 1315.151 to 1315.1199, incl.).*

Tire and Tube Quota

§ 1315.301 *Prohibition.* (a) The Office of Price Administration shall fix quotas stating the maximum number of new tires and tubes and retreaded or recapped tires for the purchase of which certificates may be issued by Boards during a single calendar month. No Board shall issue a certificate for the purchase of a new tire or tube or a retreaded or recapped tire in excess of its quota.

(b) Boards may issue certificates for the purchase of new passenger tires of an obsolete type as defined in paragraph (d) of § 1315.503 of these regulations (§§ 1315.151 to 1315.1199, incl.), without regard to their quotas.*

§ 1315.302 *Monthly quotas to be set by the Office of Price Administration.* (a) The Office of Price Administration will set monthly quotas for appropriate classes of eligible vehicles in terms of new tires, new tubes, and retreaded or recapped tires.

(b) The quotas will be specified for each county in a State upon the basis of the registration of motor vehicles, with appropriate adjustments for such other factors as the Office of Price Administration shall deem necessary.

(c) The Office of Price Administration will withhold a portion of each quota as a national reserve to be administered by it for the making of such adjustments as it may deem necessary, as provided in § 1315.308 of these regulations (§§ 1315.151 to 1315.1199, incl.). The Office of Price Administration will also withhold a portion of each quota as a State reserve to be administered by the State Rationing Administrator of such State for the purpose of making necessary adjustments of quotas for counties within the State, as provided in paragraph (c) of § 1315.307 of these regulations (§§ 1315.151 to 1315.1199, incl.).*

§ 1315.303 *Quotas expire at end of month.* (a) The quotas announced by the Office of Price Administration shall be valid only for the month for which they are set. An unused portion of a monthly quota shall not be carried over into the succeeding month.*

§ 1315.304 *Allotment of quotas to Boards.* (a) The Office of Price Administration will forward to each State Rationing Administrator the monthly quotas for each county within his State.

(b) The State Rationing Administrator shall then forward to each Board its monthly quotas, in accordance with the quotas for each county as announced by the Office of Price Administration. If there are two or more boards established within a single county, the State Rationing Administrator shall forward to the Local Rationing Administrator, if one

has been appointed, the county quotas to allot among the different Boards within the county. If no Local Rationing Administrator has been appointed, the State Rationing Administrator shall himself allot the quotas among the different Boards within the county.*

§ 1315.305 *Boards to remain within quotas.* (a) No Board shall issue a certificate for the purchase of a new tire or a new tube or a retreaded or recapped tire in excess of its quota as provided in paragraph (b) of § 1315.304, or in paragraph (b) of this section.

(b) No Board shall issue a certificate for the purchase of a new tire or a new tube or a retreaded or recapped tire in excess of the following limitations:

(1) 25 percent of its monthly quota by the end of the seventh day of the month;

(2) An additional 25 percent (cumulatively 50 percent) by the end of the fourteenth day of the month;

(3) An additional 25 percent (cumulatively 75 percent) by the end of the twenty-first day of the month; and

(4) An additional 25 percent (cumulatively 100 percent) by the end of the last day of the month.*

§ 1315.306 *Adjustment of quotas to cover special situations.* (a) When a Board having secured proper authorization pursuant to the provisions of paragraph (b) of § 1315.604 of these regulations (§§ 1315.151 to 1315.1199, incl.) issues a certificate for the purchase of a new tire or tube or a retreaded or recapped tire for a vehicle normally located outside its jurisdiction, it shall immediately notify its State Rationing Administrator and the Board normally having jurisdiction over the vehicle.

(b) The State Rationing Administrator shall immediately augment the Board's quota to the extent of the number of new tires and tubes or retreaded or recapped tires which the Board authorized the applicant to purchase. If the Board normally having jurisdiction over the vehicle is situated within another State, he shall notify the State Rationing Administrator of that State of these facts.

(c) Upon receiving notice pursuant to paragraph (a) of this section, the Board normally having jurisdiction over the vehicle shall immediately deduct from its quota the number of new tires and tubes or retreaded or recapped tires which the applicant was authorized to purchase and shall notify its State Rationing Administrator of its action.

(d) The State Rationing Administrator or Administrators shall then make appropriate adjustments of their records.*

§ 1315.307 *Adjustment of county quotas by State Rationing Administrator.* (a) Where, in the opinion of the State Rationing Administrator, and upon verification by the Boards affected, the quotas assigned to any county appear to be excessive or inadequate, he may make such adjustment among counties as he may deem necessary. Full facts of the case must be reported immediately to the Office of Price Administration.

(b) Where a Board believes that because of sudden and immediate emergency the public interest requires that it issue a certificate for the purchase of a new tire or a tube or a retreaded or recapped tire in excess of its partial quota as provided in paragraph (b) of § 1315.305, but within its over-all monthly quota, the Board may make immediate application to the State Rationing Administrator for permission to issue the certificate, setting forth the full facts of the case. The State Rationing Administrator may designate the specific number of new tires or tubes or retreaded or recapped tires for which such certificate may be issued, but in no case shall any blanket authority to exceed such partial quota be granted. This designation shall not increase the monthly quota of the Board.

(c) Where a Board believes that the public interest requires that it issue a certificate for the purchase of a new tire or tube or a retreaded or recapped tire in excess of its over-all monthly quota, the Board may make application to the State Rationing Administrator for authority to issue such certificate, setting forth the full facts of the case. The State Rationing Administrator at his discretion may draw upon the State reserve provided for by paragraph (c) of § 1315.302 to augment the quota of such Board for the month involved to the extent necessary to the granting of such certificate. In no case shall the State Rationing Administrator grant blanket authority to exceed a monthly quota, and in no event shall he authorize the granting of a certificate for the purchase of new tires or tubes or retreaded or recapped tires in excess of the quota held in the State reserve under his control.

(d) The State Rationing Administrator shall in no case issue certificates himself but shall assign a specific number of tires or tubes from the State reserve to a Board which will issue the certificates therefor.*

§ 1315.308 *Adjustment of State quotas by the Office of Price Administration.* (a) The Office of Price Administration may draw upon the national reserve provided for in paragraph (c) of § 1315.302 to adjust the quotas within the different States as it may determine. Each State Rationing Administrator may apply for an allotment from the national reserve held by the Office of Price Administration to replenish the State reserve held under his control. Each such application shall be accompanied by a statement setting forth in full the facts giving rise to such application.*

§ 1315.309 *Records and reports.* The State Rationing Administrators, the Local Rationing Administrators and the Boards shall maintain such records and file such reports in such form as may be required by the Office of Price Administration with respect to the allotment and disposition of quotas.*

Tires and Tubes for Vehicles Eligible Under List "A"

§ 1315.401 *Permitted and prohibited transfers and deliveries to consumers.* (a) *Prohibitions.* Except as provided in paragraphs (b) and (c) of this section, and in §§ 1315.801 to 1315.805, incl., of these regulations, (§§ 1315.151 to 1315.1199, incl.), no person shall make any transfer of new tires or tubes, or delivery of retreaded or recapped tires, to a consumer; and no consumer shall accept any such transfer or delivery.

(1) The prohibition in paragraph (a) of this section applies to sales and deliveries and physical transfers involving a change either in use or location as set forth in § 1315.801. Except as provided in paragraphs (b) and (c) of this section and in §§ 1315.801 to 1315.805, incl., it is unlawful to deliver new tires or tubes, or retreaded or recapped tires, to a consumer, even though such consumer has completed and paid for the purchase or agreement for transfer of such tires or tubes from the person of whom delivery is requested.

(2) The prohibition in paragraph (a) of this section applies to new tires or tubes whether such tires or tubes are at the date of the issuance of these regulations already manufactured or whether such tires or tubes are manufactured in the future, and applies to retreaded or recapped tires whether such tires are retreaded or recapped at the date of the issuance of these regulations (§§ 1315.151 to 1315.1199, incl.), or whether such tires are retreaded or recapped in the future.

(3) Until February 19, the effective date of these regulations (§§ 1315.151 to 1315.1199, incl.), any consumer may obtain any retreaded or recapped tire from any person, including tires which he left to be retreaded or recapped on his behalf. After February 19 no consumer may accept delivery of a retreaded or recapped tire except in exchange for a certificate issued pursuant to these regulations (§§ 1315.151 to 1315.1199, incl.), whether or not he provided the tire carcass to be retreaded or recapped, but he may accept redelivery of such tire carcass if it has not been retreaded or recapped.

(b) *Transfers of new tires or tubes to consumers.* (1) Any retailer or distributor may transfer a new tire or tube to any consumer in exchange for a certificate authorizing such purchase issued by a Board.

(2) Any wholesaler may transfer any new tire or tube to a consumer in exchange for a certificate authorizing such purchase issued by a Board: *Provided,* That such consumer purchased, leased, or otherwise acquired new rubber tires or tubes direct from such wholesaler's warehouse during the calendar year 1941.

(i) The restriction set forth in paragraph (b) (2) shall apply only when the wholesaler sells such tires directly from his wholesale warehouse. It shall not apply when the wholesaler makes such sale to a consumer from the separate premises of its company-owned retail outlet.

(3) Any manufacturer may transfer any new tires or tubes to a consumer in exchange for a certificate authorizing such purchase issued by a Board: *Provided,* That such consumer purchased or leased new rubber tires or tubes direct

from such manufacturer's factory or warehouse during the calendar year 1941.

(i) The restriction set forth in paragraph (b) (3) shall apply only when the manufacturer sells such tire or tube directly from his factory or warehouse. It shall not apply when the manufacturer makes such sale to a consumer from the separate premises of its company-owned retail outlet.

(c) *Transfers of retreaded or recapped tires to consumers.* Any person may deliver a retreaded or recapped tire to a consumer in exchange for a certificate authorizing such delivery issued by a Board; and any retreader or recapper may retread a tire carcass for a consumer who presents such a certificate.*

§ 1315.402 *Eligibility of List A passenger automobiles for new tires or tubes and retreaded or recapped tires.* (a) The Board may issue a certificate authorizing the holder to accept delivery of a new tire or tube for a passenger automobile to an applicant who meets the requirements of paragraphs (b) and (c) of this section. If, but only if, the applicable quota for new tires is exhausted, the Board may offer to issue to an applicant who meets the requirements of paragraphs (b) and (c) of this section a certificate, within the limits of the quota for retreaded or recapped tires, authorizing him to accept delivery of a retreaded or recapped tire or to have a tire carcass owned by him retreaded or recapped and redelivered to him. The eligibility requirements for new obsolete type passenger tires, as defined in § 1315.503 (d), are set forth in § 1315.503.

(b) An applicant must establish that the tires for which application is made are to be mounted on a passenger automobile included in paragraphs (a) to (d) of § 1315.405 (List A).

(c) An applicant must establish:

(1) That the passenger automobile upon which the tire or tube is to be mounted cannot be replaced by a passenger automobile owned or operated by, or subject to the control of the applicant, which is equipped with serviceable tires or tubes and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (a) to (d) of § 1315.405.

(i) If the applicant owns, operates, or controls passenger automobiles equipped with serviceable tires or tubes, other than the passenger automobile for which new tires or tubes are requested, he must show that all such vehicles capable of being employed for the purposes for which tires are sought are fully employed for one or more of the purposes specified in paragraphs (a) to (d) of § 1315.405. If an applicant fails to establish that fact, he fails to establish that he needs tires or tubes for the purposes listed in those paragraphs, and he must be denied a certificate.

(2) That the tire or tube for which application is made is to replace a tire or tube used by the applicant and that such tire is not serviceable or must be recapped or retreaded without delay, or that such tube cannot be repaired: *Provided,* That the applicant need not show that the tire for which application is made is for replacement purposes when application is made for one spare of a given size as original equipment for a vehicle included in paragraphs (a) to (d) of § 1315.405.

(i) Except where the applicant applies for a spare tire, certificates may be granted only for replacement purposes and not to provide original equipment for any new vehicle.

(ii) If the applicant has tires or tubes in his possession at the time of his application, and the tires are still serviceable and do not require immediate retreading or recapping, or the tubes can be repaired, he fails to establish that he needs tires or tubes at the time he makes application, and he must be denied a certificate. If the applicant has tires which are capable of being retreaded or recapped, he may, nevertheless, be granted only a certificate for a new tire, so long as a new tire is available within the quota, but he must trade in or sell the tire replaced as provided in subparagraph (5) of this paragraph (c).

(3) That the tire or tube for which application is made, when added to all other tires or tubes of suitable sizes in the applicant's possession, whatever their condition, and whether unmounted or mounted on a vehicle, will not add up to more than one spare tire of a given size for each vehicle eligible under paragraphs (a) to (h) of § 1315.405: *Provided,* That if the applicant is regularly engaged in dealing in tires, the requirements of this paragraph can be satisfied by showing that all his tires or tubes already in use are, if of suitable size, in use on vehicles included in paragraphs (a) to (h) of § 1315.405 and no such vehicle is equipped with more than one spare of a given size.

(i) If the applicant is not in the tire business, he cannot be granted a certificate if granting such a certificate would result in his having more tires or tubes than are necessary for the operation of vehicles included in paragraphs (a) to (h) of § 1315.405. Therefore, if the applicant already has enough serviceable tires or tubes of a size suitable to equip each of the vehicles he owns or controls eligible under those paragraphs, he must use such tires or tubes on such vehicles, even if that means taking the tires or tubes off vehicles not included in those paragraphs. If the applicant has unusable tires or tubes, he must dispose of them, so that they will be available as rubber scrap. Unless and until the applicant takes all these steps, no certificate can be issued to him.

(ii) If the applicant is regularly engaged in the tire business, since his inventories of tires cannot be used by him without a certificate, he may satisfy the requirements of this paragraph (c) (3) by showing that all of his tires already in use are, if of a size suitable for use on the vehicle to be equipped, in use on vehicles included in paragraphs (a) to (h) of § 1315.405.

(4) If the applicant desires authority to purchase a passenger type new tire of over four-ply construction, that the vehicle upon which the new tire is to be mounted cannot be satisfactorily operated in the use to which it is to be put with a tire of four-ply construction.

(5) That the applicant agrees to trade in any tire or tube in his possession replaced by the tire or tube purchased with any certificate granted him, or, if the applicant purchases a tire or tube from a mail-order house, that the applicant will, within 5 days from receipt of such tire or tube, sell the replaced tire or tube to a person dealing in tires.

(i) Tires or tubes replaced must be turned in to the person from whom new tires or tubes or retreaded or recapped tires are purchased or, in the case of purchase from a mail-order house, to any person dealing in tires.

(ii) This paragraph (c) (5) does not apply when the applicant can establish to the satisfaction of the Board that he has no tires to turn in because the tires which are to be replaced have been stolen or if the applicant is a government agency forbidden by law to make such disposition of Government property, or for any similar reason, or if the applicant purchases a spare for a new vehicle which was acquired by him without a spare as a part of its original equipment.*

§ 1315.403 *Eligibility of List A trucks and other vehicles except passenger automobiles for new tires or tubes.* (a) The Board may issue a certificate authorizing the holder to accept delivery of a new tire or tube for a truck or other vehicle not a passenger automobile to an applicant who meets the requirements of paragraphs (b) and (c) of this section.

(b) The applicant must establish that the tires for which application is made are to be mounted on a vehicle, other than a passenger car, included in paragraphs (c) to (h) of § 1315.405.

(c) The applicant must establish:

(1) That the vehicle upon which the tire is to be mounted cannot be replaced by a vehicle other than a passenger automobile owned or operated by, or subject to the control of the applicant, which is equipped with serviceable tires or tubes and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (c) to (h) of § 1315.405.

(i) If the applicant owns, operates, or controls vehicles other than passenger automobiles equipped with serviceable tires or tubes in addition to the vehicle for which new tires or tubes are requested, he must show that all such vehicles capable of being employed for the purposes for which tires are sought are fully employed for one or more of the purposes listed in paragraphs (c) to (h) of § 1315.405. If an applicant fails to establish this fact, he fails to establish that he needs tires or tubes for purposes listed in those paragraphs, and he must be denied a certificate.

(2) That the tire or tube for which application is made is to replace a tire which cannot be retreaded or recapped or a tube which cannot be repaired, for safe use at the speeds at which the

applicant may reasonably be expected to operate: *Provided*, That the applicant need not show that the tire for which application is made is for replacement use when application is made for one spare of a given size as original equipment for a vehicle included in paragraphs (c) to (h) of § 1315.405.

(i) Except where the applicant applies for a spare tire or tube, certificates may be granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant can get his existing tires retreaded or recapped or his tubes repaired for safe use at the speed at which the applicant may reasonably be expected to operate, he must do so. If he fails to establish that his old tire cannot be made serviceable by retreading or recapping or that his old tube cannot be repaired, he fails to establish his need for new tires or tubes and must be denied a certificate. Applicants in this situation should apply for a retreaded or recapped tire pursuant to § 1315.404.

(3) That the applicant has no more tires or tubes than are permitted by § 1315.402 (c) (3).

(4) That the applicant agrees to trade in replaced tires or tubes in accordance with the provisions of § 1315.402 (c) (5).*

§ 1315.404 *Eligibility of List A, trucks and other vehicles, except passenger automobiles, for retreaded or recapped tires.* (a) The Board may issue a certificate authorizing the holder to accept delivery of a retreaded or recapped tire, for a vehicle other than a passenger automobile, or to have a carcass owned by him retreaded or recapped for use on such a vehicle, to any applicant who meets the requirements of paragraphs (b) and (c) of this section.

(b) The applicant must establish that the tires for which application is made are to be mounted on a vehicle, other than a passenger car, included in paragraphs (c) to (h) of § 1315.405.

(c) The applicant must establish:

(1) That the vehicle upon which the tire is to be mounted cannot be replaced by a vehicle other than a passenger automobile owned or operated by, or subject to the control of the applicant, which is equipped with serviceable tires and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (c) to (h) of § 1315.405.

(i) If the applicant owns, operates, or controls vehicles other than passenger automobiles equipped with serviceable tires, in addition to the vehicle for which retreaded or recapped tires are requested, he must show that all such vehicles capable of being employed for the purposes for which application is made are fully employed for purposes specified in paragraphs (c) to (h) of § 1315.405. If an applicant fails to establish this fact, he fails to establish that he needs tires to perform services listed in those paragraphs, and he must be denied a certificate.

(2) That the application is for retreading or recapping services on tires in the applicant's possession or for retreaded or recapped tires to replace tires no longer serviceable or tires which require immediate retreading or recapping.

(i) Except when an applicant applies for a spare tire, certificates may be granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant has tires in his possession at the time of his application, and such tires are still serviceable and do not require immediate retreading or recapping, he fails to establish that he needs tires at the time he makes application, and he must be denied a certificate.

(3) That the retreaded or recapped tire, or the tire to be retreaded or recapped, for which application is made, when added to all other tires of a suitable size in the applicant's possession, will not add up to more tires than are permitted by § 1315.402 (c) (3).

(4) That the applicant agrees to trade in replaced tires in accordance with the provisions of § 1315.402 (c) (5).*

§ 1315.405 *Eligibility classification: List A.* Certificates authorizing the purchase or acceptance of delivery of tires or tubes may be granted, but only to the extent provided in §§ 1315.401 to 1315.404 and otherwise provided in these regulations (§§ 1315.151 to 1315.1199, incl.), to equip the vehicles listed in this section, which contains List A of the eligibility classification:

(a) A vehicle which is operated by a physician, surgeon, visiting nurse, or a farm veterinary, and which is used principally for professional services.

(i) The Board shall issue certificates for vehicles in this class only to physicians, surgeons, and farm veterinaries (including for purposes of certificates only physicians, surgeons, and veterinaries, licensed as such by the appropriate governmental authority) whose professional practice is to make regular calls outside their offices and who need and use motor vehicles to make their professional calls.

(ii) For the purposes of paragraph (a) "visiting nurse" shall mean a nurse who is employed by a clinic, hospital, government agency, or similar organization, or by an industrial concern to make nursing or inspection calls for such agencies. The term "visiting nurse" does not include private nurses.

(iii) No certificate shall be issued unless the physician, surgeon, nurse, or farm veterinary applying shows that the particular vehicle on which the tire or tube is to be mounted is actually used for professional calls and is used principally for that purpose.

(b) A vehicle which is operated by a regularly practicing minister of any religious faith and which is used principally in, and is necessary to, the performance of his religious duties.

(i) The Board may issue certificates to ministers, priests, or rabbis, who, in the course of their religious calling, require their vehicles to meet the religious needs of the congregations which they serve.

(ii) No certificate shall be issued unless the applicant shows that the particular vehicle on which the tire or tube is to be mounted is actually used in the course of his religious duties, is used principally for that purpose, and is essential for the performance of such duties.

(c) An ambulance.

(i) A certificate may be issued for any vehicle used principally as an ambulance, even though such vehicle is used also, but not primarily, as a hearse or for other purposes.

(d) A vehicle used exclusively for one or more of the following purposes:

(1) To maintain fire-fighting services.

(i) A certificate may be issued for any fire-fighting apparatus, including such vehicles as ladder trucks, chemical trucks, and hose trucks.

(ii) A certificate may be issued for other kinds of cars and trucks actually used for fire fighting, including trucks without special fire-fighting equipment, and passenger cars, if the Board is satisfied that the vehicles in question will be used exclusively to fight fires or for the other purposes in paragraphs (a) to (d) of this section.

(iii) No vehicle equipped with tires or tubes for which a certificate has been granted shall be used by the officials in charge of fire-fighting services unless they are actually engaged in direct fire-fighting work.

(2) To maintain necessary public police services.

(i) In issuing certificates under paragraph (d) (2) of this section the Board shall be governed by the necessity of keeping the uniformed force and essential nonuniformed personnel of any Federal, State, or local police force in a position to render efficient service in the prevention and detection of crime.

(ii) Certificates shall not be issued for vehicles to perform police services, if such services can be performed without the use of motor vehicles. No police department shall use motor vehicles, equipped with tire or tubes for which a certificate has been issued, for licensing or inspection duties, when regular public transportation will serve.

(iii) No vehicle equipped with tires or tubes for which a certificate has been issued shall be used to convey police officials to or from their usual stations, except in case of emergency, nor shall such vehicles be used for official convenience, when public means of transportation will serve.

(3) To enforce such laws as relate specifically to the protection of public health and safety.

(i) Certificates shall be issued under this paragraph (d) (3) only for vehicles essential for the performance of the law-enforcement services specifically provided for by this paragraph. The inspection of buildings, of the establishments of sellers and producers of food, and the discharge of similar duties do not in most instances require the use of motor vehicles. Certificates shall under

no circumstances be issued except for vehicles used to perform services which cannot be performed satisfactorily by inspectors and other officers using means of transportation available to the general public.

(ii) This paragraph provides only for law-enforcement services which relate directly and specifically to the protection of the public from accident and injury to health. Tires or tubes are not to be made available for any law-enforcement functions other than those performed by the regular police force, as provided in the preceding paragraph (d) (2), and the protection of the public health and safety, provided for by this paragraph (d) (3).

(iii) For the purposes of this paragraph enforcement of laws relating directly to the public health and safety shall include inspection by employees of Federal, State, or local governments of food and similar commodities and establishments engaged in producing such commodities when the primary purpose of such inspection is the discovery of contamination or similar dangers to the public health, but the enforcement of laws relating to the public health and safety shall not include inspections the primary purpose of which is grading, standardization, the prevention of fraud or establishment of sound business practices, rather than protection from contamination or similar dangers.

(iv) No vehicle equipped with tires or tubes for which a certificate has been issued shall be used to convey public health and safety officials to and from their usual stations, except in case of emergency, nor shall such vehicles be used for official convenience when public means of transportation will serve.

(4) To maintain garbage disposal and other sanitation services.

(i) Certificates may be issued for any vehicle essential to dispose of refuse of various kinds, to operate sewage systems, and for similar purposes.

(ii) No certificate shall be issued for passenger cars to be used by administrative personnel concerned with garbage disposal or sanitation services, except to the extent provided in paragraph (d) (3) of this section. Certificates for tires or tubes shall be issued only for vehicles actually used to transport garbage and other refuse, to clean and repair sewers, and for similar purposes.

(5) To maintain mail services.

(i) The Boards may issue certificates for vehicles to be used for the transportation of mail by or on behalf of the United States.

(e) A vehicle with the capacity of 10 or more passengers operated exclusively for one or more of the following purposes:

(1) Transportation of passengers as part of the services rendered to the public by a regular transportation system.

(i) Certificates may be issued under this paragraph (e) (1) only for vehicles performing necessary transportation service along regular routes or with regular schedules, from which the general public may obtain service upon payment of a standard fare.

(ii) No certificate shall be issued under this paragraph (e) (1) for vehicles used for sightseeing trips or similar excursions.

(iii) No certificate shall be issued under this paragraph (e) (1) for a vehicle on which the general public cannot obtain transportation, except as provided in paragraphs (e) (2) and (e) (3).

(2) Transportation of students and teachers to or from school.

(i) Certificates shall be issued under this paragraph (e) (2) only for school busses. A school bus will not lose its character as such because it is used to transport other employees of the school as well as teachers.

(ii) No vehicle equipped with tires or tubes for which certificates have been granted shall be used for excursions of any character. Transportation shall be provided only from the homes of students and teachers or from regular school-bus stops to the regular places of instruction.

(3) Transportation of employees to or from any industrial or extractive establishment, power generation or transmission facilities, transportation or communication facilities, construction project, or farm, except when public transportation facilities are readily available.

(i) Certificates shall be issued under this paragraph (e) (3) only for busses used to transport workers to places of employment (including farms, factories, canneries, mines, lumber camps, oil wells, etc.) which cannot practicably be reached by means of transportation available to the public. No certificate shall be issued where the workers can practicably reach the place of employment, or go from place to place while on the job, by using public transportation facilities.

(ii) The Boards may issue certificates under this paragraph (e) (3) where, although public transportation facilities exist, such facilities are unreliable or use of such facilities consumes an inordinate amount of time essential to uninterrupted production.

(f) A truck operated exclusively for one or more of the purposes stated in the preceding paragraphs or for one or more of the following purposes:

(1) Transportation of ice and fuel.

(i) In issuing certificates under this paragraph (f) (1), the Board shall be governed by the necessity for preserving public health and maintaining industrial production.

(2) Transportation of materials and equipment for construction or for mechanical, structural, or highway maintenance or repair.

(i) Certificates may be issued under this paragraph (f) (2) for trucks used to carry material and equipment for any construction project, including the construction of factories, houses, roads, dams, and other facilities, or for mechanical or structural maintenance and repair, including electrical, plumbing, or heating repairs to the structure of such buildings or facilities, or maintenance and repair of machines in them, or of other machines and farm equipment, including road service to vehicles used on the highways, and including the transportation of materials and equipment by traveling blacksmiths. Certificates may also be issued for equipment used for construction purposes such as earth movers and road graders where rubber tires and tubes are essential for the operation of such equipment.

(ii) Certificates shall not be issued under this paragraph (f) (2) for incidental maintenance work, including the cleaning of office buildings or similar activities, not involving mechanical or structural maintenance or repair.

(3) Transportation by any common carrier.

(i) For the purpose of this paragraph (f) (3), the term "common carrier" shall include any carrier of freight by rail, motor, air, or water (using trucks to render a part of its services), required by law to furnish services to the general public at standard rates, fixed in advance.

(ii) For the purpose of this paragraph (f) (3), the term "common carrier" shall not include any carrier which renders services only to persons whom it chooses as its customers or on terms separately arranged for each customer and for each service it renders.

(iii) A certificate may be issued for any truck used by a common carrier to render freight services.

(4) Transportation of waste and scrap materials.

(i) Certificates may be issued under this paragraph (f) (4) for trucks which are to be used for transporting waste and scrap materials, including waste paper, scrap iron, scrap rubber, and similar commodities which may be reused in production.

(5) Transportation of raw materials, semimanufactured goods, and finished products, including farm products and foods, provided that no certificate shall be issued under this paragraph for a tire or tube to be mounted on a truck used for transportation of commodities to the ultimate consumer for personal, family, or household use.

(i) Certificates may be issued for trucks used to transport raw materials, semimanufactured goods, and finished products, including farm products and foods, but no certificates may be issued for trucks used to transport commodities to the ultimate consumer for personal, family, or household use.

(ii) No truck equipped with tires or tubes for which a certificate has been issued under this paragraph shall be used to deliver foods to a consumer for personal, family or household use, or to make such deliveries of other commodities from a department store, grocery store, or similar retail sales outlet.

(g) Farm tractors or other farm implements, other than automobiles or trucks, for the operation of which rubber tires or tubes are essential.

(i) Certificates may be granted for farm tractors or other farm implements for the operation of which rubber tires or tubes are essential.

(ii) Nothing in this paragraph (g) shall be construed to permit the issuance of a certificate for rubber tires or tubes when the tractor or other implement can operate or can be adapted to operate without such tires or tubes.

(h) Industrial, mining, and construction equipment, other than automobiles or trucks, for the operation of which rubber tires or tubes are essential.

(1) This paragraph applies to equipment other than automobiles or trucks. It should be noted, however, the word "truck" is very broadly defined so as to include most types of motor vehicles used for construction equipment. Certificates may be issued for any type of equipment using tires or tubes capable of being used on any passenger automobile, truck, bus, motorcycle or farm implement. If the industrial, mining or construction equipment does not require for its operation tires or tubes capable of being so used, certificates shall not be issued in such cases and the tires may be purchased without regard to the restrictions set forth in these regulations. In particular solid tires molded upon industrial equipment are not covered by these regulations (§§ 1315.151 to 1315.1199, incl.) and may be purchased without regard to the restrictions contained herein.

(2) Nothing in this paragraph (h) shall be construed to permit the issuance of a certificate when the equipment can operate or can be adapted to operate without such tires or tubes.*

Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type for Vehicles Eligible Under List B

§ 1315.501 *Eligibility of List B passenger automobiles for retreaded or recapped tires.* (a) The Board may issue a certificate authorizing the holder to accept delivery of retreaded or recapped tires for a passenger automobile or to obtain retreading or recapping services for a tire for a passenger automobile to an applicant who meets the requirements of paragraphs (b), (c), and (d) of this section.

(b) Any person applying for a certificate under this section must establish that the tires for which application is made are to be mounted on a passenger automobile used principally for one or more of the purposes included in paragraph (a) of § 1315.504 (List B).

(c) An applicant must establish:

(1) That without the passenger automobile to be equipped, transportation service is not available to the applicant.

(i) The Board may not issue certificates under this section if the applicant can secure transportation by any method without using the vehicle for which tires are sought. The applicant may show that the transportation services for which he uses his vehicle are not otherwise available to him by showing (*a*) that no public transportation system reaches the areas to which he must go to carry on his business or occupations; or (*b*) that public transportation services do not function at the times when it is necessary for the applicant to travel; or (*c*) that public transportation will not enable him to do his work because of the necessity of carrying material and equipment; or (*d*) that the public transportation facilities are already too heavily loaded to afford the applicant transportation service. The applicant should also be required to show that he regularly transports other persons to work with him or that he has exhausted the possibilities of doubling up with persons employed at the same place or with persons who travel the same route. If the applicant fails to show these and such other facts as will establish to the satisfaction of the Board that he would be unable to secure transportation if he did not get the tires for which he applies, he must be denied a certificate.

(ii) As applied to taxis, jitneys, and similar vehicles, this paragraph can be satisfied by showing (*a*) that other public transportation facilities are inadequate to serve the community because of a shortage of streetcars, busses, or similar vehicles capable of transporting large numbers of people at once, or (*b*) that other public transportation facilities do not reach important areas of the community where taxi service has been normally a necessary part of the mass transportation system rather than a luxury service.

(2) That the transportation service rendered by such passenger automobile is essential to the applicant for the efficient execution of one or more of the purposes included in paragraph (a) of § 1315.504.

(i) Unless the applicant satisfies the Board that it will be impossible for him otherwise to perform services listed in paragraph (a) of § 1315.504, he must not be granted a tire. The proof which the applicant must present to satisfy the Board will vary with the nature of the applicant's business or occupation. To the extent that public transportation facilities will enable the applicant to carry on his affairs, or to the extent that the applicant's business or occupation can be carried on by correspondence or by telephone, transportation service rendered by a passenger automobile is not essential, and a certificate for tires for such an automobile should not be granted.

(3) That such passenger automobile will, when equipped with the tires for which application is made, render services sufficiently valuable to the community and the Nation to justify the use of rubber in its operation, in view of the critical shortage in the total rubber supply and the size of the quota from which allotments of tires must be made to all other applicants qualified under this section.

(i) Before the Board may issue a certificate under this section, it must be satisfied that the applicant is rendering a service essential to the community and the Nation, whether or not the applicant himself needs his car for business or for other reasons. Unless the applicant can prove that the services which his automobile enables him to render are indispensable to the community and the war effort, no certificate shall be granted to him, regardless of whether the Board has exhausted its quota.

(ii) Certificates must be granted by the Board with a view to the very large number of persons who may apply and the very small quota which can be made available in any month for such persons. The Board should, whenever possible, apportion its quota so that it will have certificates to insure continued transportation for employees of plants vital to the war-production effort.

(iii) In deciding among applicants for the limited quota, the Board shall be guided not only by the nature of the services which the applicant renders but also by the extent to which others who do not require tires can render such services, and the extent to which the automobile to be equipped will be confined to use for services specified in paragraph (a) of § 1315.504 and will provide transportation for more than one person performing services included in that paragraph.

(iv) To determine whether an applicant employed at a plant essential to the war effort should be granted a certificate under this section, the Board may make such inquiry as it deems necessary at the applicant's place of employment. Inquiry may be made, when desirable, with respect to the possibility that such plant can establish a comprehensive transportation plan for its workers which would increase the amount of "doubling-up," or the possibility that the plant can provide for the transportation of employees in busses or similar vehicles from central points to the place of employment.

(d) Any person applying for a certificate under this section must establish:

(1) That the passenger automobile upon which the tire is to be mounted cannot be replaced by a passenger automobile owned or operated by, or subject to the control of, the applicant which is equipped with serviceable tires and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (a) to (d) of § 1315.405 (List A) or paragraph (a) of § 1315.504 (List B).

(i) If the applicant owns, operates, or controls passenger automobiles equipped with serviceable tires, other than that for which retreaded or recapped tires are requested, he must show that all such passenger automobiles capable of being used for the purposes for which tires are requested are fully employed for purposes specified in paragraphs (a) to (d) of § 1315.405 or paragraph (a) of § 1315.504. If an applicant fails to establish this fact, he fails to establish that he needs tires to perform services listed in those paragraphs and he must be denied a certificate.

(2) That the application is for retreading or recapping services on tires in the applicant's possession or for retreaded or recapped tires to replace tires in his possession, and that the tires in his possession are no longer serviceable or require immediate retreading or recapping.

(i) Except when the applicant applies for a spare tire, certificates may be

granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant has tires in his possession at the time of his application and such tires are still serviceable or do not require immediate retreading or recapping, he fails to establish that he needs tires at the time he makes application, and he must be denied a certificate.

(3) That the retreaded or recapped tire, or the tire to be retreaded or recapped, for which application is made, when added to all other tires of suitable size in the applicant's possession, whatever their condition, whether mounted or unmounted on a vehicle, will not add up to more than one spare tire of a given size for each vehicle used for one or more of the purposes specified in paragraphs (a) to (h) of § 1315.405, or paragraph (a) of § 1315.504: *Provided,* That if the applicant is regularly engaged in dealing in tires, the requirements of this paragraph (c) (3) can be satisfied by showing that all of his tires already in use are, if of suitable size, in use on vehicles included in paragraphs (a) to (h) of § 1315.405 or paragraph (a) of § 1315.504, and that no such vehicle is equipped with more than one spare tire of a given size.

(i) If the applicant is not engaged in the tire business, he is not entitled, under this § 1315.405, to more tires than are necessary for the operation of vehicles included in paragraphs (a) to (h) of § 1315.405 or paragraph (a) of § 1315.504. Therefore, if the applicant already has enough tires for all the vehicles he owns which are eligible under those paragraphs, he must use such of those tires as are of a suitable size on passenger automobiles eligible under this section, even if that means taking tires off vehicles not included under paragraphs (a) to (h) of § 1315.405, or paragraph (a) of § 1315.504.

(ii) If the applicant is engaged in the tire business, since his inventories of tires cannot be used by him without a certificate, he may satisfy the requirements of this paragraph (d) (3) by showing that all of his tires already in use are, if of suitable size, in use on vehicles eligible under paragraphs (a) to (h) of § 1315.405 or paragraph (a) of § 1315.504.

(4) That the applicant agrees to trade in any tires replaced in accordance with the provisions of § 1315.402 (c) (5).*

§ 1315.502 *Eligibility of List B trucks for retreaded or recapped tires.* (a) Within the limits prescribed by paragraphs (c) of § 1315.603 and paragraph (d) of § 1315.610 with respect to the filing of applications and the granting of certificates, the Board may issue a certificate, authorizing the holder to accept delivery of a retreaded or recapped tire or to have a tire owned by him retreaded or recapped, to an applicant who meets the requirements of paragraphs (b) and (c) of this section.

(b) Any person applying for a certificate under this section must establish that the truck to be equipped with the tires for which he applies is a truck included in paragraph (b) of § 1315.504.

(i) Unless the applicant can establish that the truck to be equipped is a truck used for an important purpose (although not included in paragraphs (c) to (h) of § 1315.405) the applicant cannot satisfy the requirements of this paragraph. In deciding whether a truck is important for the purpose of granting a certificate, the Board must consider the relative importance of the transportation needs in the community which must be served, including needs for transportation service in war industries not elsewhere provided for. The uses for which certificates may be issued will depend on the nature of the needs of the particular community, to be determined, for example, by the distances over which essential retail milk and other food deliveries must be made, the extent to which some purposes can be served by horse-drawn wagons, and similar factors. Before granting a certificate under this section, the Board must consider not only whether the applicant should be preferred to other eligible applicants in distributing the limited number of certificates available within the quota, but also whether the vehicle is sufficiently important to the Nation and the community to justify the use of rubber to keep it in operation.

(c) Any person applying for a certificate under this section must establish:

(1) That the truck upon which the tire is to be mounted cannot be replaced by a truck owned or operated by or subject to the control of the applicant which is equipped with serviceable tires and which is capable of being, but is not, fully employed, for one or more of the purposes specified in paragraphs (c) to (h) of § 1315.405 or paragraph (b) of § 1315.504.

(i) If the applicant owns, operates, or controls trucks equipped with serviceable tires, other than the truck for which retreaded or recapped tires are requested, he must show that all such trucks capable of being used for the purposes for which tires are sought are fully employed for purposes specified in paragraphs (a) to (h) of § 1315.405 or paragraph (b) of § 1315.504. This will require a showing that all of the applicant's trucks are fully employed and that each one which is capable of performing the service for which tires are sought is performing a service important to the community and the Nation. If an applicant fails to establish this fact, he fails to establish that he needs tires to perform services listed on those paragraphs and he must be denied a certificate.

(2) That the application is for retreading or recapping services on tires in the applicant's possession or for retreaded or recapped tires to replace tires in his possession, and that such tires are either no longer serviceable or require immediate retreading or recapping.

(i) Except when the applicant applies for a spare tire, certificates may be granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant has tires in his possession at the time of his application and such tires are still serviceable or do not require immediate retreading or recapping, he fails to establish that he needs tires at the time he makes application, and he must be denied a certificate.

(3) That the retreaded or recapped tire, or the tire to be retreaded or recapped, for which application is made, when added to all other tires of suitable sizes in the applicant's possession, whatever their condition, whether unmounted or mounted on a vehicle, will not add up to more than one spare tire of a given size for each vehicle eligible under paragraphs (a) to (h) of § 1315.405 or paragraphs (a) and (b) of § 1315.504: *Provided,* That if the applicant is regularly engaged in dealing in tires this paragraph (c) (3) can be satisfied by showing that all of his tires already in use are, if of suitable size, in use on vehicles eligible under paragraphs (a) to (h) of § 1315.405 or paragraphs (a) and (b) of § 1315.504, and that no such vehicle is equipped with more than one spare of a given size.

(i) If the applicant is not in the tire business, he is not entitled to more tires than are necessary for the operation of vehicles included in paragraphs (a) to (h) of § 1315.405 or paragraphs (a) and (b) of § 1315.504. Therefore, if the applicant already has enough tires of a suitable size for each of the vehicles he owns eligible under paragraphs (a) to (h) of § 1315.405 or paragraphs (a) and (b) of § 1315.504, he must use such tires on such vehicles, even if that means taking tires off vehicles not included in those paragraphs. If the applicant has unusuable tires, he must dispose of them so that they will be available as rubber scrap. Unless and until the applicant takes all these steps, no certificate can be issued to him.

(ii) If the applicant is engaged in the tire business, since his inventories of tires cannot be used by him without a certificate he can satisfy the requirements of this paragraph (c) (3) by showing that all of his tires in use are, if of a suiitable size, in use on vehicles eligible under paragraphs (a) to (h) of § 3115.405 or paragraphs (a) and (b) of § 1315.504, and that none of such vehicles is equipped with more than one spare of a given size.

(4) That the applicant agrees to trade in any tires replaced in accordance with the provisions of § 1315.402 (c) (5).*

§ 1315.503 *Eligibility of List A and List B passenger automobiles for new passenger tires of an obsolete type.* (a) The Board may issue a certificate authorizing the holder to accept delivery of new passenger tires of an obsolete type, as defined in paragraph (d) of this section, to an applicant who establishes that he satisfies the requirements of paragraphs (b) and (c) of this section.

(b) The applicant must establish that the vehicle to be equipped is a passenger automobile included in paragraphs (a) to (d) of § 1315.405 or paragraph (a) of § 1315.504.

(c) The applicant must establish:

(1) That the passenger automobile upon which the tire is to be mounted cannot be replaced by a passenger automobile owned or operated by, or subject to the control of the applicant, which is

equipped with serviceable tires and which is capable of being used for the purposes for which application is made but is not fully employed for a purpose specified in paragraphs (a) to (d) of § 1315.405 or paragraph (a) of § 1315.504.

(i) If the applicant owns, operates, or controls vehicles equipped with serviceable tires, other than the automobile for which the obsolete-type tires are requested, he must show that all such automobiles capable of being used for the purposes for which tires are sought are fully employed for the purposes specified in paragraph (a) to (d) of § 1315.405 or paragraph (a) of § 1315.504. If an applicant fails to establish this fact, he fails to establish that he needs tires to perform the services listed in those subsections, and he must be denied a certificate.

(2) That the tire for which application is made is to replace a tire no longer serviceable at the speeds at which the applicant may reasonably be expected to operate.

(i) It is not necessary, under paragraph (c) (2), of this section, to show that the tire to be replaced cannot be retreaded or recapped, since these regulations (§§ 1315.151 to 1315.1199, incl.) contain no provision authorizing the retreading or recapping of passenger tires of an obsolete type.

(3) That the tire for which application is made, when added to all other tires of suitable sizes in the applicant's possession, will not add up to more tires than are permitted by the provisions of § 1315.501 (d) (3).

(4) That the applicant agrees to trade in any tires replaced in accordance with the provisions of § 1315.402 (c) (5).

(d) As applied to tires, the words "obsolete type" applies to passenger type tires of the following sizes, and no others:

525–19	450–21
525–550–19	475–21
550–19	500–21
600–19	525–21
600–650–19	600–21
650–19	650–21
700–19	700–21
750–19	500–22
450–20	600–22
475–20	750–14
450–475–500–20	30x3
500–20	30x3½
525–20	31x4
550–20	32x4
600–20	33x4
600–650–20	32x4½
650–20	33x4½
440–450–21	34x4½
440–21	

*

§ 1315.504 *Eligibility Classification: List B.* Certificates authorizing the purchase or acceptance of delivery of tires may be granted, but only to the extent provided in §§ 1315.501 to 1315.503 and otherwise provided in these regulations (§§ 1315.151 to 1315.1199, incl.), to equip vehicles listed in this section, which contains List B of the Eligibility Classification:

(a) On a passenger car used principally to provide one or more of the following transportation services:

(1) Licensed jitney, taxi, or similar transportation service to the general public.

(i) Certificates may be issued under this paragraph (a) (1) for passenger automobiles, used principally to provide jitney, taxi, or similar services, licensed by an appropriate governmental authority to transport the general public, but only for such vehicles operating in areas where streetcars, busses, and similar large transportation units are inadequate to meet the needs of the public. Such facilities may be inadequate because of a shortage of suitable equipment or because they do not extend to outlying areas which use taxi service as a normal means of mass transportation and not as a luxury service.

(ii) Certificates may not be granted under this paragraph (a) (1) for passenger automobiles which are rented, with or without chauffeurs, for the exclusive use of individuals rather than for taxi, jitney, or similar service to the general public.

(2) Transportation of persons to enable them to render construction or mechanical, structural, or highway maintenance and repair services.

(i) Certificates may be granted under this paragraph to persons who require automobiles to transport them between places where construction or mechanical, structural, or highway maintenance and repair services are needed.

(ii) Certificates may not be issued to applicants under this paragraph unless they are performing services of the character for which truck tires may be obtained under § 1315.405 (f) (2), including such services as plumbing and heating repair and maintenance, industrial construction, maintenance and repair of farm equipment, and the other maintenance and repair services listed in § 1315.405 (f) (2).

(iii) No certificate may be issued under this paragraph (a) (2) in order to provide the applicant with transportation from his residence to his principal place of business or employment. Certificates may be issued for this purpose only to persons who qualify under the provisions of paragraph (a) (3) of this section. Certificates may be issued under this paragraph only to provide transportation between jobs.

(3) Transportation of executives, engineers, technicians, and workers, to and from, or within, such of the following as are essential to the war effort: Power generation or transmission facilities, transportation or communication facilities, or agricultural, extractive, industrial, military, or naval establishments.

(i) Certificates may be granted under this paragraph (a) (3) to workers, including supervisory employees, who require passenger automobiles for transportation from their residences to factories, power plants, transportation or communication facilities, farms, lumber camps, mines, military or naval establishments, or similar places of employment when the work done at such places of employment is essential, directly or indirectly, to the prosecution of the war. Such certificates may be issued only when such plants or facilities cannot be reached by other means of transportation and only when the applicant shows that the vehicle to be equipped will be used economically, that he regularly carries other passengers to work with him, or that he has made reasonable efforts to "double up" with others working at the same or nearby places.

(ii) Certificates may be issued under this section to provide transportation not only to places of employment which are engaged in production directly for the Army or Navy but also to plants engaged in the production of nonmilitary materials essential to the war effort, including farms and canning establishments preparing basic foods for domestic consumption or for export, lumber camps, and mines producing essential materials for construction and for the manufacture of commodities essential for civilian as well as military needs. Whether particular nonmilitary plants or establishments within the general categories indicated are essential to the war effort is a matter which the Board must determine in the light of its knowledge of local conditions, and the Board may issue certificates only for transportation to such establishments as it determines are essential to the war effort.

(4) Transportation on official business of Federal, State, or local Government employees engaged in the performance of Government functions essential to the public health, safety, or the war effort.

(i) Certificates may be granted under this paragraph (a) (4) to enable Government employees to perform essential Government functions essential to the public health, safety, or the war effort, including such officials as fire wardens, ordnance inspectors, mine inspectors, food and crop inspectors, and similar persons.

(ii) Certificates may be granted under this paragraph only to Government employees who use their cars principally for their official functions and only when such functions cannot, because of the absence of other transportation facilities, be performed without the use of such cars. Certificates may not be granted under this paragraph (a) (4) to make possible the transportation of Government employees from their residences to their principal places of employment.

(iii) In addition to the foregoing limitations certificates may not be granted except to make possible official travel in passenger automobiles when Government automobiles are used or when travel in private automobiles entitles the applicant to compensation by the governmental unit employing him for the use of his automobile on a mileage or similar basis.

(5) Transportation of produce and supplies to and from the farm if an applicant operating such farm does not own or possess a truck or other practicable means of transportation.

(i) Certificates may not be issued under this paragraph when the transportation services involved can be provided

by the applicant with horse-drawn vehicles.

(6) Transportation of traveling salesmen who are engaged in the sale of farm, extractive, or industrial equipment, foods or medical supplies, the distribution of which is essential to the war effort.

(i) Certificates may be granted under this section only to provide transportation for such traveling salesmen as are engaged in the sale of machinery, or similar equipment, for farms, factories, mines, oil wells, lumber camps, and similar productive establishments, and of foods and medical supplies, and only when the distribution of such commodities by such salesmen is essential to the war effort.

(ii) Certificates may be granted under this paragraph only to salesmen of the commodities specified and only in cases where the sale of such commodities cannot be made by other means, including mail and telephone, where failure to equip the cars of salesmen would hamper the war effort by depriving the community of necessary commodities, and where the salesmen cannot make such sales by using other means of transportation.

(7) Transportation of mail by private persons under an appointment by or a contract with the United States.

(i) Certificates may be granted under this paragraph for tires for passenger automobiles used principally, but not exclusively, to transport mail in rural areas.

(8) Transportation of newspapers for wholesale delivery: *Provided*, That a passenger automobile, to be eligible under this paragraph, must be used exclusively for one or more of the purposes in this paragraph (a).

(i) Certificates may be granted under this paragraph to passenger cars used exclusively to transport newspapers for wholesale delivery (or for any other purpose included in this paragraph (a), but not for retail delivery of newspapers to individuals) when such deliveries have been customarily made in passenger automobiles the structure of which has been specially altered for the purpose.

(b) Trucks used for any important purpose not included in paragraphs (a) to (h) of § 1315.405.

(1) Certificates may be granted under this paragraph for hearses, for milk trucks, and trucks delivering other essential foods in areas where, and to the extent that, such deliveries are essential to the community, and for other trucks providing essential services for which provision has not been made in paragraphs (a) to (h) of § 1315.405.

(2) No certificates shall be granted under this paragraph when the transportation services needed can be obtained by using horse-drawn vehicles.*

Applications for Certificates

§ 1315.601 *Application for authority to purchase new tires (not of an obsolete type) and new tubes.* (a) Any person who believes that his passenger automobile comes within one of the classifications set forth in paragraphs (a) to (d) inclusive, of § 1315.405 (List A) may file with the Board an application for authority to purchase new tires (not of an obsolete type) or new tubes. Such application shall be filed on O.P.A. Form No. R–1 and O.P.A. Form No. R–1A. Separate applications must be filed for each vehicle requiring new tires and tubes.

(b) Any person who believes that his vehicle (other than a passenger automobile) comes within one of the classifications set forth in paragraphs (c) to (h) inclusive, of § 1315.405 (List A) may file with the Board an application for authority to purchase new tires (not of any obsolete type) and new tubes. If he has tires which can be retreaded or recapped for safe use on such vehicle at speeds at which the applicant may reasonably be expected to operate, he may apply only for retreaded or recapped tires pursuant to paragraph (a) of § 1315.404. Separate applications must be filed for each vehicle requiring new tires and tubes on O.P.A. Form No. R–1 and O.P.A. Form No. R–1A.*

§ 1315.602 *Application for authority to purchase new passenger tires of an obsolete type.* (a) Any person who operates a passenger automobile using passenger tires of an obsolete type as defined in paragraph (d) of § 1315.503, and who believes that his passenger automobile comes within one of the classifications set forth in paragraphs (a) to (d) of § 1315.405 (List A) or paragraph (a) of § 1315.504 (List B) may file with the Board an application for authority to purchase new passenger tires of an obsolete type.

Separate application for each vehicle requiring new passenger tires of an obsolete type must be made on O.P.A. Form No. R–1 and O.P.A. Form No. R–1A.*

§ 1315.603 *Application for authority to purchase retreaded or recapped tires or retreading or recapping services.* (a) Any person who believes that his vehicle other than a passenger automobile comes within one of the classifications set forth in paragraphs (c) to (h) inclusive, of § 1315.405 (List A) may file with the Board an application for authority to purchase retreaded or recapped tires, or to purchase retreading or recapping services for tires in his possession. A separate application for each vehicle requiring retreaded or recapped tires or retreading or recapping services must be made on O.P.A. Form R–1 and O.P.A. Form No. R–1A.

(b) Any person who believes that his passenger automobile comes within paragraph (a) of § 1315.504 (List B) may file with the Board an application for authority to purchase retreaded or recapped tires or retreading or recapping services. A separate application for each passenger automobile requiring retreaded or recapped tires or retreading or recapping services must be made on O.P.A. Form R–1 and O.P.A. Form R–1A. Before the Board will act favorably upon his application he must make a full and complete showing of necessity.

(c) Any person who believes that his truck comes within paragraph (b) of § 1315.504 (List B) may file with the Board between the 1st day and the 20th day of any month an application for authority to purchase retreaded or recapped tires, or retreading or recapping services. A separate application for each vehicle requiring retreaded or recapped tires or retreading or recapping services must be made on O.P.A. Form R–1 and O.P.A. Form R–1A.

(d) Prior to March 2, 1942, no Board shall grant any applicant a certificate of permission to purchase retreaded or recapped tires, or to purchase retreading or recapping services for tires for any passenger automobile or any truck included in § 1315.504 (List B).*

§ 1315.604 *Jurisdiction of Boards.* (a) Each Board shall have jurisdiction over all vehicles garaged or normally stationed in the area which it has been designated to serve.

(b) No person shall file an application for authority to purchase new tires or tubes, retreaded or recapped tires, or retreading or recapping service for a vehicle with a Board which does not have jurisdiction over the vehicle as provided in paragraph (a) of this section except in the event (1) that it should become necessary to obtain a new tire or tube or a retreaded or recapped tires for the safe operation of the vehicle, and (2) that an application cannot practically be made to the Board normally having jurisdiction over the vehicle. In such event an application may be filed with the Board having jurisdiction over the area in which the vehicle is temporarily located. This Board shall consider the application only if it is authorized to do so by the Board normally having jurisdiction over the vehicle. The procedure applicable in the event that such an application is granted is set forth in § 1315.306. In the event the application is rejected, the Board normally having jurisdiction over the vehicle should be notified of this fact at once.*

§ 1315.605 *Preparation of application.* (a) Copies of O.P.A. Form No. R–1 and O.P.A. Form No. R–1A will be distributed and can be obtained from Local Rationing Boards, tire dealers, police stations, and post offices. O.P.A. Form No. R–1 and O.P.A. Form No. R–1A may be reproduced by any person provided that no change is made in the size, style, and content thereof.

(b) (1) *Name of applicant.* (i) An individual shall state his given name, middle name, and surname. In all cases where an individual regularly doing business under a trade name makes an application, he shall state, in addition to his name, the trade name under which he is doing business; for example, John James Doe, doing business as Doe Trucking Co.

(ii) A partnership shall state the trade name regularly used by such partnership and the fact that it is a partnership; for example, Doe & Roe Transportation Co., a partnership.

(iii) A corporation shall give its full name as it appears on its corporate char-

ter; for example, Doe Transportation Co., Inc.

(iv) A State or any political subdivision thereof shall state its name; for example, the State of Wisconsin; Village of Winnetka, Ill.

(v) A Federal department or agency shall state its name; for example, United States Department of Labor. If a branch thereof, the name of the branch shall be given; for example, Chicago Regional Office of the United States Department of Labor.

(2) *Addresses and telephone numbers of applicant.* (i) An individual shall state his business or office address and telephone number thereof.

(ii) A partnership shall state the address and telephone number of its principal office and the address and telephone number of at least one place of business of the partnership within the area administered by the Board.

(iii) A corporation shall state the address and telephone number of its principal office and the address and telephone number of at least one place of business of the corporation within the area administered by the Board.

(iv) A State or any political subdivision thereof shall state the address and telephone number of at least one of its offices within the area administered by the Board.

(v) A Federal department or agency shall state the address and telephone number of the office within the area administered by the Board.

(vi) If there is no place of business or office within the area administered by the Board, although the vehicle is garaged or stationed within that area, the applicant shall state the address of the place of business or office nearest the place where the vehicle is garaged or stationed.

(3) *Certification by applicant.* The applicant shall certify the facts stated in the application, in the manner and form provided for such certification. In executing the certification:

(i) An individual shall sign his full name. In cases where an individual does business under a trade name, he shall set forth such trade name following his signature; for example, "John Doe doing business as Doe Transportation Co."

(ii) A partnership shall set forth the name of the partnership followed by the legend, "a partnership," following which a partner, or a duly authorized agent of the partnership shall sign his name, giving his position, preceded by the word "by"; for example, "Doe Transportation Co., a partnership, by John James Doe, a partner"; or, "Doe Transportation Co., a partnership, by Richard Roe, store manager, its duly authorized agent."

(iii) A corporation shall set forth the full name of the corporation as it appears on its charter, followed by the legend, "a corporation," following which an officer of the corporation, or a duly authorized agent thereof, shall sign his name, giving his position, preceded by the word "by"; for example, "Doe Transportation Co., Inc., a corporation, by John James Doe, president"; or "Doe Transportation Co., Inc., a corporation, by Richard Roe, truck superintendent, its duly authorized agent."

(iv) A State or political subdivision thereof shall set forth its name, followed by the signature of an officer or duly authorized representative, giving his position, preceded by the word "by"; for example, "State of _____, by John James Doe, Superintendent of Highways."

(v) A Federal department or agency or branch thereof shall set forth its name followed by the signature of an officer authorized by law to make purchases, who shall also state his position.*

§ 1315.606 *Inspection.* No application for authority to purchase a new tire or tube or a retreaded or recapped tire shall be filed until an inspection of the tires or tubes already on the vehicle shall have been made by an inspector duly authorized by a Board to make such inspections. Inspection of tubes on such vehicle may be limited to the tube or tubes which the applicant seeks authority to replace by purchase of a new tube or tubes. The inspector shall fill in all the information and facts required in the "Certification By Inspector" which is a part of O. P. A. Form R–1 and shall certify the information and facts provided in the certification by signing his name thereto. The applicant shall not pay any compensation to the inspector for such inspection: *Provided*, That a sum not to exceed fifty cents ($0.50) may be paid the inspector, or any other person, for the service of removing and replacing a tire if same is required for purposes of inspection, although not for the service of inspecting the tire.*

§ 1315.607 *Action by the Board upon applications.* Before granting an application for a certificate of permission to purchase new tires or tubes, retreaded or recapped tires, retreading or recapping services, or new passenger tires of an obsolete type, the Board shall satisfy itself that the applicant has properly executed his application, including all the agreements therein contained, that all the facts stated in the application are true, and that the applicant has satisfied all the applicable requirements and conditions specified by the applicable sections of these regulations (§§ 1315.151 to 1315.1199 incl.).*

§ 1315.608 *Allotment by the Board upon application for new tires (not of an obsolete type) and new tubes.* (a) An applicant for new tires (not of an obsolete type) and new tubes to be mounted on passenger automobiles eligible under paragraph (a) to (d), inclusive, of § 1315.405 (List A) who satisfies the applicable requirements of § 1315.402, shall be granted a certificate for new tires and a certificate for new tubes, but in no event shall the Board authorize the purchase of a new tire or new tube in excess of its quota as provided in § 1315.305 of these regulations (§§ 1315.151 to 1315.1199 incl.). If the applicant cannot be granted a certificate for new passenger automobile tires because the Board's quota for the entire month for such tires has been exhausted, he shall be offered a certificate for retreaded or recapped tires, or retreading or recapping services for tires in his possession, if it may be issued within the Board's quota for retreaded or recapped passenger automobile tires.

(b) An applicant who applies for permission to purchase new tires and new tubes to be mounted on vehicles (other than passenger automobiles) listed in paragraphs (c) to (h), inclusive, of § 1315.405 (List A) and who satisfies the requirements of § 1315.403, shall be granted a certificate for the purchase of new tubes. He shall be granted a certificate for permission to purchase new truck-type tires only if there are no passenger-type tires of the same size on sale. If passenger-type tires of the same size as those for which he is applying are on sale, he shall be granted a certificate for permission to purchase such tires. For the purpose of determining whether there are passenger-type tires of the same size on sale, the Board shall refer to any standard manufacturer's price list for passenger-type tires.

He shall also be granted a certificate for the purchase of new tires only if he has no worn tires in his possession which can be retreaded or recapped for safe use at speeds at which he may reasonably be expected to operate. If he has worn tires in his possession which may be retreaded or recapped for safe use at speeds at which he may reasonably be expected to operate, he shall be granted a certificate only for the purchase of retreaded or recapped tires or retreading or recapping service. In no event shall any certificate be granted in excess of the Board's applicable quota for the month.*

§ 1315.609 *Allotment by the Board upon applications for new passenger tires of an obsolete type.* (a) The Board shall grant a certificate for permission to purchase new passenger tires of an obsolete type to an applicant applying for such tires for a vehicle eligible under paragraphs (a) to (d), inclusive, of § 1315.405 (List A) or paragraph (a) of § 1315.504 (List B) and who satisfies the requirements of § 1315.503. The allotment of new passenger tires of an obsolete type is not limited by a quota and the Board may allot such tires to all applicants who otherwise satisfy the requirements of these regulations (§§ 1315.151 to 1315.1199, incl.).*

§ 1315.610 *Allotment by the Board upon applications for retreaded or recapped tires or retreading or recapping services.* (a) The Board shall grant, but not in excess of its applicable quota for the entire month, certificates authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires to be mounted upon a passenger automobile eligible under paragraphs (a) to (d), inclusive, of § 1315.405 (List A) when the applicant has satisfied the requirements of § 1315.402 of these regulations, only if the Board has exhausted its entire month's quota of new tires for such vehicles.

(b) The Board shall grant certificates, not in excess of its applicable quota for

the entire month, authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires to be mounted upon trucks or other vehicles eligible under paragraphs (c) to (h) inclusive of § 1315.405 (List A) when the applicant has satisfied the requirements of § 1315.404 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(c) The Board shall grant certificates, not in excess of its applicable quota for the entire month, authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires to be mounted on passenger automobiles eligible under paragraph (a) of § 1315.504 (List B) when the applicant has satisfied the requirements of § 1315.501 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(d) The Board shall consider applications and issue certificates authorizing the purchase of retreaded or recapped tires, or retreading or recapping services for tires, to be mounted on trucks eligible under paragraph (b) of § 1315.504 (List B) when the applicant has satisfied the requirements of § 1315.502 of these regulations, (§§ 1315.151 to 1315.1199, incl.), only between the 25th day and the last day of a month. During that period the Board shall grant certificates authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires for such trucks only if the issuance of the certificate would not exceed the quota applicable to such tires: *Provided,* That no such certificate shall be issued if there is any application for a vehicle other than a passenger automobile eligible under § 1315.405 (List A) which has not been satisfied.*

§ 1315.611 *Basis for Board consideration.* (a) If the Board has before it applications for new tires (not of an obsolete type) or new tubes which in its judgment satisfy all the requirements of these regulations but which together call for the allotment of new tires (not of an obsolete type) or new tubes in excess of the applicable quota of the Board, the Board shall be governed, in determining which of the competing needs are to be satisfied, by the relative importance from the standpoint of locally known circumstances, to the war program, public safety, health, and morale, of the operation of a vehicle in one use as compared with the importance of the operation of a vehicle in another use.

The determination as to whether or not all such facts and conditions exist shall be made upon the basis of the application and all other information which comes to the knowledge of the Board. In acting upon applications, the Board shall observe all regulations herein contained and all additional regulations from time to time hereafter issued by the Office of Price Administration. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allocate new tires and tubes to the most vital civilian uses and to uses essential to the war effort. The Board may, in its discretion, request the applicant or his authorized representative to appear in person at a designated time at the office of the Board to answer pertinent questions.

(b) If the Board has before it applications for retreaded or recapped tires, or for retreading or recapping services, which in its judgment satisfy all the requirements of these regulations but which together call for an allotment in excess of the Board's quota for retreaded or recapped passenger tires, or retreaded or recapped tires for other vehicles, the Board shall be governed in determining which of the competing needs are to be satisfied, by considerations such as the following: (1) Is the applicant justified in using his automobile in preference to some other mode of transportation; (2) what is the relationship of the applicant to the war effort; and (3) what is the relative importance from the standpoint of locally known circumstances, of the operation of a vehicle in one use as compared with the operation of a vehicle in another use?

The Board need not limit itself to an examination of these considerations alone, but should also attempt to govern its allotments by such variable factors as the amount of its quota in each month, and the nature of the community itself, as, for example, whether there are defense plants in the vicinity which can be reached only by automobiles. As a further example, the eligibility of taxis under paragraph (a) of § 1315.504 (List B) may depend on such facts peculiarly within the knowledge of the Board, as a sudden increase in population overburdening public transportation systems in the community. In other communities the Board will be aware that taxis are a luxury means of transportation and therefore not essential. The Board must keep in mind and must impress upon applicants that the supply of rubber for retreading or recapping tires is extremely limited and that it is not sufficient for the applicant to show only that he comes within one of the eligibility classifications in order for him to receive a certificate. Whenever the Board is not fully convinced by the applicant's case it should refuse to grant a certificate for permission to retread or recap tires, even though in that month the Board's quota may not be exhausted.*

§ 1315.612 *Notation of reasons for action.* When the Board determines that an application shall be granted, the reasons therefor shall be noted upon the application, together with the number and type of tires or tubes allotted to the applicant.

In all cases where an application is refused, the reasons for such refusal shall be noted upon the application.*

Tire and Tube Certificates

§ 1315.701 *Notification.* After acting upon an application the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase new tires, including passenger tires of an obsolete type, or tubes, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of new tires or tubes (O.P.A. Form No. R–2). A certificate should only authorize the purchase of new tires or new tubes. No one certificate shall be issued authorizing the purchase of both tires and tubes.

In cases where the Board authorizes an applicant to purchase retreaded or recapped tires, or retreading or recapping services, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of retreaded or recapped tires, or retreading or recapping services (O.P.A. Form No. R–8).

No certificate shall be issued authorizing the purchase of more new tires, new tubes, or retreaded or recapped tires than have been allotted for one vehicle by the Board.*

§ 1315.702 *Form of certificates.* O.P.A. Form No. R–2, the nontransferable certificate for the purchase of new tires or tubes, and O.P.A. Form No. R–8, the nontransferable certificate for the purchase of retreaded or recapped tires, or retreading or recapping services, shall each be serially numbered and shall be divided into four parts, each bearing the same serial number;

(a) a part to be retained by the dealer as a record which shall be designated as part A;

(b) a part to be used by the dealer as the basis for replenishing his stocks, which shall be designated as part B;

(c) a part to be forwarded by the dealer to the Board which has issued the certificate which shall be designated as part C; and

(d) a part to be given by the dealer to the purchaser, which shall be designated as part D.*

§ 1315.703 *Execution by issuing Board.* It shall be the responsibility of the Board, prior to issuing either certificate, to fill in parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the Board to indicate on parts C and D of the certificate issued, the number of the Board and its address. No certificate will be valid unless part A is signed by two members of the issuing Board. Prior to delivering the certificate to the applicant, the Board shall require the applicant or his agent to sign the certificate in the presence of a member or the clerk of the Board. When all of the foregoing steps have been taken by the issuing Board, the Board shall deliver the certificate to the applicant or his agent.*

§ 1315.704 *Action by purchaser.* (a) Upon receiving the certificate so executed, the applicant may, within 30 days from the date of issue, purchase the new tires, new tubes, retreaded or recapped tires, or retreading or recapping services for the tires specified upon the certificate from any authorized seller at a price not in excess of the maximum price established by the Office of Price Administration.

(b) If the applicant is authorized to purchase new tires or tubes, he must present to the authorized seller all parts of the certificate, O.P.A. Form No. R–2, in the form in which it was given to him by the issuing Board.

If the purchase is made from an authorized seller other than a mail-order house, the applicant must at the time of presenting the certificate, deliver in trade to the authorized seller the tires or tubes which are to be replaced by the new tires or tubes which he is purchasing. If the purchase is made by mail from a mail-order house, the applicant, within five (5) days after receiving the new tires or tubes, must sell the replaced tires or tubes to a dealer in tires and file O.P.A. Form R–3, with the Local Rationing Board which issued the certificate.

The requirements of this paragraph (b) with respect to the trading in of tires and tubes, do not apply if the applicant can establish to the satisfaction of the Board that he has no tires or tubes to turn in because they have been stolen, or if the applicant is a Government Agency forbidden by law to make such disposition of Government property, or for similar reasons, or if the applicant purchases a spare for a new vehicle which was acquired by him without a spare as a part of its original equipment.

(c) If the applicant is authorized to purchase retreaded or recapped tires or retreading or recapping services, he must present to the dealer all parts of the certificate, O.P.A. Form No. R–8, in the form in which it was given to him by the issuing Board. The applicant must trade in the tires which are to be replaced by the retreaded or recapped tires which he is purchasing in accordance with the applicable provisions of paragraph (b) of this section. If the applicant is purchasing only retreading or recapping services for tires already in his possession, he need not deliver to the authorized seller any other tires than those which he desires to have retreaded or recapped.

(d) If the purchaser is unable to buy from one authorized seller all of the new tires, new tubes, retreaded or recapped tires, or retreading or recapping services which he has been authorized to purchase by the certificate, he may return the certificate to the issuing Board, and the Board shall thereupon issue as many certificates as are necessary to permit his purchases to be made among several authorized sellers.*

§ 1315.705 *Action by authorized seller other than mail-order house.* Prior to delivering a new tire, new tube, or retreaded or recapped tire pursuant to a certificate surrendered to him, an authorized seller other than a mail-order house shall require the purchaser or the purchaser's agent to sign his name in the space provided for this purpose on part C of the certificate. If the signature on part C does not appear to be the signature of the person who signed part A, the authorized seller shall refuse to sell or deliver any new tires, new tubes, or retreaded or recapped tires to the person presenting the certificate and shall report the facts to the issuing Board.

If the signatures appear to be executed by the same person, an authorized seller or his authorized agent shall, in the presence of the purchaser, or the purchaser's agent, fill in the items in part A, part C, and part D which have not been completed by the issuing Board. The authorized seller shall retain part A of the certificate as his permanent record in accordance with the record keeping provisions of the regulations. The authorized seller shall retain part B of the certificate, which he may use as the basis for replenishing his stock. The authorized seller shall complete and return part C to the issuing Board within three (3) days from the date of delivery of the tires or tubes. Part D shall be given by the authorized seller to the purchaser, who shall retain it as a permanent record in accordance with the record-keeping provisions of these regulations (§§ 1315.151 to 1315.1199, incl.).

No authorized seller shall deliver a new tire, new tube, or retreaded or recapped tire, except where the purchaser supplied the carcass to be retreaded or recapped or is otherwise excused, as provided in paragraphs (b) and (c) of § 1315.704, to a person holding a certificate except upon receiving the used tire or tube replaced by the purchase, and no such delivery shall be made at a price in excess of the maximum price established by the Office of Price Administration.*

§ 1315.706 *Action by mail-order house.* In the case of a purchase by mail from a mail-order house the purchaser is not required to sign part C of the certificate. At the time of shipping the new tires, new tubes, or retreaded or recapped tires an authorized agent of the mail-order houses shall fill in the items in part A, part C, and part D which have not been completed by the issuing Board and sign the certification upon part C. The mail-order house is authorized to ship the new tires, new tubes, or retreaded or recapped tires only to the name and address appearing in items (4) and (5) (the authorized purchaser) upon the certificate. Mail-order houses are required to exercise great care to comply with this requirement.

The mail-order house shall retain part A of the certificate as its permanent record in accordance with the record-keeping provisions of these regulations. The mail-order house shall keep part B of the certificate which may be used as a basis for replenishing its stock. The mail-order house shall return part C to the issuing Board within three (3) days from the date it shipped the new tires, new tubes, or retreaded or recapped tires to the purchaser. Part D shall be returned by the mail-order house to the purchaser who shall retain it as a permanent record. No mail-order house shall deliver a new tire, new tube, or retreaded or recapped tire at a price in excess of the maximum price established by the Office of Price Administration.*

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires and Camelback

§ 1315.801 *Permitted and prohibited transfers of new tires and tubes*—(a) *Prohibitions.* Except as provided in §§ 1315.401, 1315.804, and paragraphs (c), (d), (e), and (f) of this section of these regulations (§§ 1315.151 to 1315.1199, incl.) no person shall transfer a new tire or tube, and no person shall accept any such transfer of a new tire or tube.

(1) The word "transfer" is very broadly defined. It includes not only transfers by a sale, lease, or trade of a new tire or tube, but also by gift from one person to another and includes the transfer of any legal or equitable right or interest in any tire or tube. Again, it applies to any transfer from one person to another even though no change in "title" is involved. For example, unless expressly authorized by these regulations, transfers may not be made of new tires or tubes to a person by a dealer even though the person had previously bought and paid for the tires or tubes. Similarly, tires or tubes imported into this country and held in customs at a point of entry may not be released to the claimant unless he is authorized by these regulations to accept them.

(2) Unless specifically exempted, all physical transfers involving a change in the location or use of tires or tubes are included. Thus, if a dealer in tires or tubes removes a tire from his stock and mounts it on a vehicle owned by him, a transfer has occurred within the meaning of these regulations. Furthermore, a change in physical location involving a movement of a tire from one establishment to another is a transfer, although routine shifts in stock within a single building are not transfers within these regulations. It should be noted, however, that freedom to move tires and tubes is expressly permitted by paragraph (c) of this section in a wide number of cases.

(3) The prohibition in this paragraph (a) applies to all new tires and tubes whether such new tires and tubes are at the date of this order already manufactured or whether such new tires and tubes are manufactured in the future.

(b) *Restriction on transfers from stocks to vehicles.* (1) Except as provided in subparagraph (2) of this paragraph (b) no person who on December 11, 1941, or at any time thereafter was a retailer, distributor, wholesaler, or manufacturer of new tires or tubes may mount any new tire or tube on any vehicle owned, operated, or controlled by him or otherwise transfer such tire or tube to his own use unless such person possesses a certificate issued to him by a Board authorizing him to purchase or otherwise acquire such tire or tube for the vehicle upon which it is to be mounted. The instructions set forth in §§ 1315.705 and 1315.706 in regard to the certificate should be followed.

(2) A manufacturer of new tires or tubes may mount new tires and tubes on a vehicle owned by him or otherwise subject to his control which is used exclusively for testing such tires and tubes and not in connection with any other use.

(c) *Permitted transfers by certain persons.* (1) Except as provided in paragraph (b) of this section, any person who on December 11, 1941 was not a retailer, distributor, wholesaler, or manu-

facturer may transfer any new tire or tube which was owned and physically possessed by him prior to December 11, 1941, including the placing of such tire or tube upon the wheel or rim of any vehicle owned or operated by him, provided no change in ownership, possession, or control occurs.

(2) Any person who on December 11, 1941, was not a retailer, distributor, wholesaler, or manufacturer may transfer new tires or tubes to any retailer, distributor, wholesaler, or manufacturer.

(d) *Transfers to replenish stocks*—(1) *By a distributor.* Subject to the provisions of subparagraphs (4) and (5) of this paragraph (d) relating to certificates and records, any distributor may transfer new tires or tubes to any retailer or distributor.

(i) A person may in separate premises perform simultaneously the functions of either a retailer, distributor, wholesaler, or manufacturer. The transfers of new tires or tubes which such person will be permitted to make or receive in any particular premise are controlled by the provisions of these regulations applicable to the function performed on those premises.

(2) *By a wholesaler.* Subject to the provisions of subparagraphs (4) and (5) of this paragraph (d) relating to certificates and records, any wholesaler may transfer new tires or tubes to any retailer, distributor, or wholesaler.

(3) *By a manufacturer.* Subject to the provisions of subparagraphs (4) and (5) of this paragraph (d) relating to certificates and records, any manufacturer may transfer new tires or tubes to any retailer, distributor, wholesaler, or manufacturer: *Provided,* That no manufacturer shall after February 19, 1942, during any month of any calendar year transfer to retailers and distributors owned, operated, or controlled by such manufacturer new tires and tubes of a wholesale dollar value amounting to a larger percentage of his total wholesale dollar value of new tires and tubes transferred for such month than the percentage of his total wholesale dollar value of new tires and tubes transferred to retailers and distributors owned, operated, or controlled by him during the year 1941.

(i) *Example.* During the year 1941, X, a manufacturer of new tires and tubes, sold or otherwise transferred a total wholesale dollar value of new tires and tubes amounting to $1,000,000. He sold or otherwise transferred to retailers and distributors owned, operated, or controlled by him a wholesale dollar value of new tires and tubes amounting to $250,000, or 25 percent. If during February of 1942 his total wholesale dollar value of new tires and tubes sold or otherwise transferred amounted to $80,000, he may in that month sell or transfer to retailers and distributors owned, operated, or controlled by him a wholesale dollar value of new tires and tubes amounting to not more than 25 percent of $80,000, or $20,000. He can make no sales or transfers to such retailers and distributors except in exchange for the replenishment portion of a certificate or receipt, but even in exchange for such portion of a certificate or receipt he cannot sell or transfer new tires or tubes in excess of the limitation described above.

(4) No transfer provided in subparagraphs (1), (2), and (3) of this paragraph (d) may be made except in exchange for the replenishment portion of a certificate (pt. B) for new tires or tubes issued pursuant to § 1315.701 of these regulations (§§ 1315.151 to 1315.1199, inclusive) or the replenishment portion of a receipt (pt. B) for new tires or tubes issued pursuant to § 1315.804 of these regulations (§§ 1315.151 to 1315.1199, inclusive).

(i) Any retailer, distributor, wholesaler, or manufacturer using the certificate or receipt to replenish his stock may purchase the number of new tires or tubes specified thereon and is not required to purchase new tires or tubes of the same size or of the same type.

(ii) Any retailer, distributor, wholesaler or manufacturer who is authorized to sell or otherwise transfer a new tire or tube to a consumer may forward, with the consumer's permission, when he does not have such tire or tube in stock, the replenishment portion (pt. B) of the certificate for new tires or tubes or the replenishment portion (pt. B) of a receipt for new tires or tubes to a supplier and obtain the number of new tires and tubes specified thereon for delivery to the consumer.

(5) Any distributor, wholesaler, or manufacturer making a transfer pursuant to subparagraphs (1), (2), and (3) of this paragraph (d) shall keep records showing the name of the person acquiring a new tire or tube, the number, size, and type of the tire and tube acquired, the sales price, the date of the shipment or delivery, and the serial number of the certificate.

(e) *Transfers to liquidate stock*—(1) *By a retailer.* Any retailer may (without certificate) transfer any new tire or tube to any retailer, distributor, wholesaler, or manufacturer.

(2) *By a distributor.* Any distributor, may (without certificate) transfer any new tire or tube to any wholesaler or manufacturer.

(3) *By a wholesaler.* Any wholesaler may (without certificate) transfer any new tire or tube to any manufacturer.

(4) *Records.* Any person making a transfer pursuant to subparagraphs (1), (2), and (3) of this paragraph (e) shall keep records showing the name of the person acquiring a new tire or tube, the number, size, and type of the tire and tube acquired, the sales price, and the date of shipment or delivery.

(f) *Other transfers*—(1) *By a retailer or distributor without changing ownership or control.* Any retailer or distributor may deliver, ship, or transfer new tires or tubes to any warehouse or premise owned, operated, or controlled by such person, provided there is no change in ownership or control involved in this delivery, shipment, or transfer. Records of such delivery, shipment, or transfer shall be kept and reports in connection therewith shall be made as may be required by the Office of Price Administration.

(2) *By wholesaler or manufacturer without changing ownership or control.* Any wholesaler or manufacturer may deliver, ship, or transfer new tires or tubes to any warehouse or premise owned, operated, or controlled by such person and not used in performing the functions of a distributor or retailer, provided there is no change in ownership or control involved in this delivery, shipment, or transfer. Records of such delivery, shipment, or transfer shall be kept and reports in connection therewith shall be made as may be required by the Office of Price Administration.

(3) *By a common carrier.* Any common carrier which on December 11, 1941, was in possession of shipments of new tires or tubes consigned to a consignee may (without certificates) deliver such tires and tubes to such consignee. No provision of these regulations shall impose any liability upon any common carrier for the transportation in the regular course of business of any new tire or tube not owned by such common carrier.

(4) *Original equipment.* Any person may deliver new tires and tubes, excluding spares, as a part of the original equipment of a new vehicle provided that (i) such tires and tubes are affixed to such vehicle at the time of their sale, and (ii) such sale is not prohibited by the terms of any order of the War Production Board: *Provided further, however,* That spares may also be included as a part of the original equipment of a new vehicle upon the written consent of the Director of Priorities or the Chairman of the War Production Board.

(5) *Transfers to and from public warehouses.* Any person may deliver, ship or transfer new tires or tubes to a public warehouse for storage, provided there is no change in ownership, use, or control involved in this delivery, shipment, or transfer. Any public warehouse may deliver, ship, or transfer new rubber tires or tubes stored in such warehouse after December 11, 1941, to the person who delivered such tires or tubes for storage, provided no such delivery may be made without first obtaining authorization in writing from the Office of Price Administration, Washington, D. C. Any person making a delivery, shipment, or transfer pursuant to this subparagraph (5) of paragraph (f) shall keep such records and make such reports in connection therewith as may from time to time be required by the Office of Price Administration. Nothing in this paragraph shall be construed to allow any person to pledge, hypothecate, or use as security in any transaction a warehouse receipt for new tires or tubes.*

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires*—(a) *Prohibitions.* Except as provided in §§ 1315.401, 1315.804, and in paragraphs (c) and (d) of this section, no person shall deliver a retreaded or recapped tire to any other person and no person shall accept any such delivery of a retreaded or recapped tire.

(1) The word "delivery" in paragraph (a) includes a delivery of any legal or equitable right or interest in or to, or

physical delivery of, any retreaded or recapped tire.

(2) Paragraph (a) prohibits sales or other deliveries to another person; it does not prevent any person owning or possessing retreaded or recapped tires from physically transferring such tires among his premises or vehicles as long as there is no change of ownership or control.

(3) The prohibition in this paragraph (a) applies both to sales and deliveries. Except as provided by §§ 1315.401, 1315.804, and by paragraphs (c) and (d) of this section, it is unlawful to deliver retreaded or recapped tires to a person even though such person has previously bought and paid for the retreaded or recapped tires, or even though such person supplied the carcass which was recapped or retreaded.

(4) The prohibition in this paragraph (a) applies to retreaded or recapped tires whether such tires have been retreaded or recapped at the date of the issuance of this order or whether such tires are retreaded or recapped in the future.

(b) *Restriction on transfer from stocks to vehicles.* (1) No person who on February 19, 1942, or at any time thereafter, was engaged in retreading or recapping for others, or was otherwise dealing in retreaded or recapped tires, may mount a retreaded or recapped tire on any vehicle owned, operated, or controlled by him unless such person possesses a certificate issued to him by a Local Rationing Board authorizing him to purchase or otherwise acquire such tire for the vehicle upon which it is to be mounted. The instructions set forth in §§ 1315.705 and 1315.706 in regard to the certificate for retreaded or recapped tires should be followed.

(c) *Deliveries to replenish stock*—(1) *By a retreader or recapper.* Subject to the provisions of subparagraphs (2) and (3) of this paragraph (c) relating to certificates and records any retreader or recapper of tires may deliver retreaded or recapped tires to any person who deals in but does not retread or recap tires or to any retreader or recapper.

(2) No delivery provided in subparagraph (1) of this paragraph (c) may be made except in exchange for the replenishment portion (pt. B) of a certificate for retreaded or recapped tires issued pursuant to § 1315.701 of these regulations, or the replenishment portion (pt. B) of a receipt for retreaded or recapped tires issued pursuant to § 1315.804 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(i) No retreader or recapper may deliver any retreaded or recapped tire to any person other than a consumer (and then only in exchange for a complete certificate) except in exchange for the replenishment portion (pt. B) of a certificate or receipt for retreaded or recapped tires. This is true even though the person who is to receive the tire delivered the carcass to the retreader or recapper for retreading or recapping.

(ii) Any person authorized to use the replenishment portion of a certificate or receipt to obtain retreaded or recapped tires may purchase or acquire the number of retreaded or recapped tires specified thereon and is not required to purchase tires of the same size or of the same type.

(iii) Any person authorized to sell or otherwise deliver a retreaded or recapped tire to a consumer may forward, with the consumer's permission, when he does not have such tire in stock, the replenishment portion (pt. B) of the retreaded or recapped tire certificate or the replenishment portion (pt. B) of a retreaded or recapped tire receipt to any retreader or recapper and obtain the number of tires specified thereon for delivery to the consumer.

(3) Any retreader or recapper making a delivery pursuant to subparagraph (1) of this paragraph (c) shall keep records showing the name of the person acquiring retreaded or recapped tires, the number, size, and type of tires acquired, the sale price, the date of the delivery or shipment, and the serial number of the retreaded or recapped tire certificate.

(d) *Other deliveries*—(1) *By a person not in tire trade.* Any person who does not deal in new or retreaded or recapped tires may (without certificates) deliver retreaded or recapped tires to any person who deals in new or retreaded or recapped tires or any retreader or recapper of tires.

(2) *By a person in tire trade.* Any person who deals in new or retreaded or recapped tires but is not a retreader or recapper of tires may (without certificates) deliver retreaded or recapped tires to any person who deals in new or retreaded or recapped tires or to any retreader or recapper of tires.

(3) *Records.* Any person making a delivery pursuant to subparagraphs (1) and (2) of this paragraph (d) shall keep records showing the name of the person acquiring the retreaded or recapped tires, the number and type of such tires acquired, the sales price, and the date of the delivery or shipment.

(4) *Delivery to and from public warehouses.* Any person may ship or deliver retreaded or recapped tires to a public warehouse for storage, provided there is no change in ownership, use, or control involved in this shipment or delivery. Any public warehouse may ship or deliver retreaded or recapped tires stored in such warehouse after February 18, 1942, to the person who delivered such tires for storage: *Provided,* No such delivery may be made without first obtaining authorization in writing from the Office of Price Administration, Washington, D. C. Any person making a shipment or delivery pursuant to this subparagraph (4) of this paragraph (d) shall keep such records and make such reports in connection therewith as may from time to time be required by the Office of Price Administration. Nothing in this subparagraph shall be construed to allow any person to pledge, hypothecate, or use as security in any transaction a warehouse receipt for retreaded or recapped tires.

(5) *Original equipment.* Any person may deliver retreaded or recapped tires, excluding spares, as part of the original equipment of a new vehicle provided (i) such tires are affixed to such vehicle at the time of their sale, and (ii) such sale has not been prohibited by the terms of any order of the War Production Board: *Provided further, however,* That spares may also be included as a part of the original equipment of a new vehicle upon the written approval of the Director of Priorities or the Chairman of the War Production Board.

(6) *Common carrier.* No provision of these regulations shall impose any liability upon any common carrier for the transportation in the regular course of business of any retreaded or recapped tire not owned by such common carrier.*

§ 1315.803 *Permitted and prohibited deliveries of camelback*—(a) *Prohibition.* Except as provided in §§ 1315.804, 1315.805, and in paragraphs (c) and (d) of this § 1315.803 or in regulations hereafter issued by the Office of Price Administration, no person shall deliver camelback to any other person, and no person shall accept any such delivery of camelback.

(1) The prohibition against any delivery to another person set forth in paragraph (a) includes prohibitions against delivery of any legal or equitable right or interest in or to, or physical delivery of, any camelback.

(2) The prohibition in this paragraph (a) applies only to sales, or other deliveries of camelback to another person. Any person who owns or possesses camelback may transfer such camelback among his warehouses and premises as long as there is no change in the ownership or control of such camelback.

(3) The prohibitions in this paragraph (a) apply to both sales and physical deliveries. Except as provided by § 1315.804, 1315.805 and by paragraphs (c) and (d) of this section it is unlawful to deliver camelback to any person even though such person has previously bought and paid for the camelback.

(4) The prohibition in paragraph (a) applies to camelback whether such camelback was at the date of the issuance of this order already manufactured or whether such camelback is manufactured in the future.

(b) *Restriction on consumption.* (1) On and after February 16, 1942, no maker of camelback shall during any single month consume any camelback, regardless of its source, in his own retreading or recapping equipment or in retreading or recapping equipment operated by establishments owned, operated, or controlled by him amounting to a larger percentage by weight of his total camelback production for such month than the percentage of his total camelback production consumed during the year 1941 in his own retreading or recapping equipment and in retreading or recapping equipment operated by establishments owned, operated, or controlled by him.

(i) *Example.* During the year 1941, X, a maker of camelback, produced 10,000 pounds of camelback. He consumed 5,000 pounds, or 50 percent, in his own retreading or recapping equipment and in retreading or recapping equipment

operated by establishments owned, operated, or controlled by him. If during March of 1942 his total production of camelback is 1,000 pounds, he may in that month consume an amount equal to 50 percent of his month's production, or 500 pounds of camelback, regardless of its source, in his own retreading or recapping equipment and in retreading or recapping equipment operated by establishments owned, operated, or controlled by him.

(2) On and after February 19, 1942, and until midnight March 1, 1942, no maker of camelback or retreader or recapper shall use or consume any camelback to retread or recap any passenger-type tire.

(3) On and after February 19, 1942, no person shall consume or use truck-type camelback, as now and hereafter defined by the War Production Board, in recapping or retreading passenger-type tires.

(c) *Transfers to replenish stock*—(1) *By persons dealing in or making camelback.* Subject to the provisions of subparagraphs (2) and (3) of this paragraph (c) relating to certificates and records, any person who deals in or makes camelback may deliver camelback to any other person.

(2) No delivery provided in subparagraph (1) of this paragraph (c) may be made except in exchange for the replenishment portion (pt. B) of a retreaded or recapped tire certificate issued pursuant to § 1315.701 of these regulations, or the replenishment portion (pt. B) of a receipt for either retreaded or recapped tires or camelback issued pursuant to § 1315.804 of these regulations, or the replenishment portion (pt. A) of the certificate authorizing the purchase of an initial allotment of camelback issued pursuant to § 1315.805 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(i) Any person may purchase camelback, from a person dealing in or making camelback, upon presenting the appropriate part of a certificate or receipt. He may present the replenishment portion (pt. B) of the retreaded or recapped tire certificate, the replenishment portion (pt. A) of the initial allotment of camelback certificate, or the replenishment portion (pt. B) of a receipt for either retreaded or recapped tires or camelback. When using the replenishment portion of a receipt for camelback, he may purchase the number of pounds of camelback stated thereon without regard to size or gauge. If he uses the replenishment portion of the initial allotment of camelback certificate he may purchase the number of pounds of truck camelback specified thereon. Truck camelback means truck camelback defined by specifications established from time to time by the War Production Board. If he uses the replenishment portion of a retreaded or recapped tire certificate or the replenishment portion of a receipt for retreaded or recapped tires, he may purchase the number of pounds of camelback specified in the following table:

TABLE FOR CAMELBACK REPLENISHMENT

Type or size of tire specified on certificate or receipt	Number of pounds of camelback which may be purchased for each such tire
Passenger-car type tire	8½
30 x 5 to and including 7.00 x 20/32 x 6	12
7.50–18 to and including 8.25–24	16
9.00–20 to and including 11.00–24	22
12.00–20 and up	32
Farm tractors (rear tires only), road graders, earth mover, and other similar equipment used primarily in off-the-road work	55

(ii) Any person who possesses retreading or recapping equipment and who is authorized to retread or recap tires for a consumer may forward, with the consumer's permission, when he does not have the necessary camelback in stock, the replenishment portion (pt. B) of the retreaded or recapped tire certificate or receipt to his supplier and in exchange receive the number of pounds of camelback set forth above.

(3) Any person who deals in or makes camelback making a delivery pursuant to subparagraph (1) of this paragraph (c) shall keep records showing the name of the person acquiring camelback, the amount, size, type, and gauge of camelback acquired, the sales price, the date of shipment or delivery, and, if purchased pursuant to a certificate, the serial number of the certificate.

(d) *Other transfers*—(1) *By any person who neither deals in or makes camelback.* Any person who neither deals in nor makes camelback may (without certificate) deliver camelback to any person who manufactures or deals in camelback, or to any person who is a retreader or recapper.

(2) *Records.* Any person making a delivery pursuant to subparagraph (1) of this paragraph (d) shall keep records showing the name of the person acquiring the camelback, the amount, size, type, and gauge of such camelback acquired, the sales price, and the date of delivery or shipment.

(3) *Transfers to and from public warehouses.* Any person may ship or deliver camelback to a public warehouse for storage provided there is no change in ownership, use, or control involved in this shipment or delivery. Any public warehouse may deliver camelback stored in such warehouse after February 18, 1942, to the person who delivered such camelback for storage: *Provided,* That no such delivery may be made without first obtaining authorization in writing from the Office of Price Administration, Washington, D. C. After February 18, 1942, no warehouse receipt for camelback may be pledged, hypothecated, or used as security in any transaction. Any person making a shipment or delivery pursuant to this subparagraph (3) shall keep such records and make such reports in connection therewith as may from time to time be required by the Office of Price Administration.

(4) *Common carrier.* No provision of these regulations shall impose any liability upon any common carrier for the transportation in the regular course of business of any retreaded or recapped tire not owned by such common carrier.*

§ 1315.804 *Transfer of new tires or tubes, retreaded or recapped tires or camelback to certain governmental agencies, to manufacturers of new vehicles, and for export*—(a) *Transfer to certain governmental agencies or for export.* Subject to the provision of paragraphs (c) and (d) of this section any person may transfer new tires or tubes, retreaded or recapped tires or camelback:

(1) To or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ship's store, commissary, or similar agency or organization, except for use on vehicles operated by it;

(2) To or for the account of the government of any foreign country, including those in the Western Hemisphere, pursuant to a contract or order placed by any agency of the United States Government under the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), but subject in each case to such quotas, allocations, or other restrictions as may be prescribed by the War Production Board;

(3) For export to and consumption in any foreign country, for government or private account, otherwise than as provided in subparagraph (2) of this paragraph, but only as may be expressly permitted by the War Production Board.

(b) *Transfer to manufacturers of new vehicles.* Subject to the provisions of paragraphs (c) and (d) of this section, any person may sell, lease, trade, loan, deliver, ship, or transfer new tires or tubes or retreaded or recapped tires, with the written approval of the Chairman of the War Production Board, to any manufacturer of new vehicles for use as part of the original equipment of such vehicles

(c) *Receipt.* Any person making any transfer whether by sale, lease, or otherwise, pursuant to paragraph (a) or (b) of this section shall obtain from the purchaser a receipt upon O.P.A. Form No. R–12. The purchaser shall complete and execute the form in accordance with the instructions thereon.

(1) O.P.A. Form No. R–12 may be obtained from any Local Rationing Board and will also be distributed through appropriate governmental agencies. The form shall consist of four parts. Part A shall be mailed to the O.P.A. regional office servicing the area in which the

seller is located within 3 days from the delivery or shipment of the tires, tubes, or camelback. Part B shall be used as a basis for replenishing stocks in accordance with the transfer provisions of paragraph (d) of § 1315.801; paragraph (c) of § 1315.802 or paragraph (c) of § 1315.803, whichever is appropriate. Part C shall be retained by the seller as his record of the transaction in accordance with the record keeping requirements of these regulations. Part D shall be retained by the purchaser as his record.

(2) Any person making a sale delivery or other transfer pursuant to the provisions of paragraph (g) of Supplementary Order M–15–c which were effective on the date of such sale or delivery may replenish in exchange for a receipt obtained in accordance with the provisions of subdivisions (c) (3) (ii) and (c) (3) (iii) of § 1315.401 of the Tire Rationing Regulations issued December 30, 1941, his stock of new tires or tubes in accordance with the provisions of paragraph (d) of § 1315.801, provided the delivery of such new tires or tubes was made prior to February 19, 1942.

(d) *Records.* Any person making a sale, delivery, or transfer pursuant to paragraphs (a) and (b) of this section, and any person making such purchase or accepting such delivery or transfer shall keep such records and make such reports in connection therewith as may from time to time be required by the Office of Price Administration.*

§ 1315.805 *Certificate for initial allotment of camelback for retreaders or recappers*—(a) *Application for authority to purchase initial allotment of camelback.* Any person engaged in retreading or recapping tires who is not a maker of camelback may apply on or before March 1, 1942, to the Board which services the area in which his principal office is located for authority to purchase an initial allotment of camelback. No other Board shall have jurisdiction and only one application may be filed. Each person engaged in retreading or recapping tires who is not a maker of camelback may be authorized to purchase sufficient camelback to enable him to have as of February 19, 1942, an initial inventory of camelback equivalent to 750 pounds of camelback for each mold or curing table capable of retreading tires 7.50–20 or larger which he owns or operates.

(b) *Form of application.* Applications for authority to purchase an initial allotment of camelback must be made on OPA Form No. R–9. This form may be obtained from any Board. The applicant must state the number and location of all molds or curing tables owned, operated, or controlled by him capable of retreading or recapping only tires smaller than 7.50–20 and also the number and location of all molds or curing tables owned, operated, or controlled by him which are capable of retreading a tire 7.50–20 or larger. He must state the total number or pounds of camelback which he has in his inventory as of midnight February 18, 1942, irrespective of where located. If this inventory does not equal or exceed 750 pounds for each mold or curing table capable of retreading or recapping tires 7.50–20 or larger, he will be authorized to purchase an amount of camelback equal to the difference between his inventory and an amount equal to 750 pounds for each mold or curing table capable of retreading a tire 7.50–20 or larger. He may purchase only truck camelback. Truck camelback means truck camelback as defined by specifications established from time to time by the War Production Board.

The applicant shall certify the facts stated in the application in the manner and form provided for such certification. In making the application and executing the certification he shall conform to the requirements of § 1315.605 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(c) *Action by the Board.* Upon receiving an application by a retreader or recapper who is not a maker of camelback for authorization to purchase an initial allotment of camelback, the Board shall satisfy itself that the applicant has properly executed his application including all the agreements therein contained and that all the facts stated in the application are true.

If the Board is satisfied that the applicant did not have in his inventory as of midnight February 18, 1942, 750 pounds of camelback for each mold or curing table owned, operated, or controlled by him which is capable of retreading a tire 7.50–20 or larger, it shall issue the applicant a certificate authorizing him to purchase the difference between all the camelback in his possession as of midnight February 18, 1942, and an amount equal to 750 pounds of camelback for each mold or curing table owned, operated, or controlled by him which is capable of retreading a tire 7.50–20 or larger. If the Board determines that an application should be granted either wholly or in part, it shall note upon such application the amount of camelback which the applicant was authorized to purchase and the serial number of the certificate issued. After acting upon the application the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase an initial allotment of camelback, the Board shall immediately issue to such applicant a certificate.

(d) *Form or certificate.* The certificate for the purchase of an initial allotment of camelback is O.P.A. Form No. R–10. The certificate shall be serially numbered and shall be divided into two parts designated as part A and part B bearing the same serial number. If the person supplying the retreader or recapper is a maker of camelback he shall retain part A as a record of the transaction. If the person supplying the retreader or recapper is not a maker of camelback he may use part A as the basis for replenishing his stock. Part B of the certificate is to be forwarded by the supplier of camelback to the Rationing Board which issued the certificate.

(e) *Execution by issuing Board.* It shall be the responsibility of the Board prior to issuing a certificate to fill in part A of the certificate setting forth the date issued, the number and address of the Board issuing the certificate, the number of pounds of camelback which the certificate holder is authorized to purchase and the name and address of the purchaser. It shall also be the responsibility of the Board to indicate on part B of the certificate the number and address of the Board issuing the certificate. No certificate for the purchase of camelback will be valid until part A is signed by two members of the issuing Board. The Board shall then deliver the entire certificate to the applicant or his agent.

(f) *Action by purchaser.* Upon receiving the completed certificate the applicant may at any time prior to May 1, 1942, purchase the number of pounds and type of camelback indicated upon such certificate from any supplier of camelback. No delivery pursuant to this certificate may be made after April 30, 1942. To purchase camelback the applicant must present the entire certificate to his supplier. If the purchaser is unable to buy from one supplier all the camelback which he has been authorized to purchase, he may return the certificate to the issuing Board and the Board shall thereupon issue as many certificates as are necessary to permit his purchases to be made among several suppliers.

(g) *Action by supplier.* Prior to delivering or shipping any camelback pursuant to a certificate surrendered to him, the supplier must complete part B of the certificate. Part B must then be detached and returned to the issuing Board within 5 days after shipment of the camelback to the purchaser. If the supplier is a maker of camelback, part A must be retained as his record of the transaction. If the supplier is not a maker of camelback, he may use part A as the basis for replenishing his stock of camelback pursuant to paragraph (c) of § 1315.803 of these regulations. This purchase and delivery of camelback must be completed prior to midnight of April 30, 1942 (§§ 1315.151 to 1315.1191, incl.).*

Appeals

§ 1315.901 *Grounds for appeal to the State Rationing Administrator.* Any applicant for a new tire or tube or for a retreaded or recapped tire whose application has been denied by the Board and who believes that such action is in conflict with the Tire Rationing Regulations issued December 30, 1941, or these regulations (§§ 1315.151 to 1315.1199, incl.) may file an appeal from such action with the State Rationing Administrator.*

§ 1315.902 *Filing of appeals.* (a) An appeal from an action taken by a Board may be filed only within 30 days after such action has been taken.

(b) The appellant shall file a statement in writing and under oath setting forth the specific section of the Tire Regulations issued December 30, 1941, or these regulations (§§ 1315.151 to 1315.1199, incl.) which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.*

§ 1315.903 *Action on appeals.* The State Rationing Administrator may require the Board or the appellant to fur-

nish pertinent information, which may be in addition to that furnished before the Board, with respect to any appeal pending before him. The State Rationing Administrator may affirm the decision of the Board, or may reverse or modify such decision and remand the matter to the Board for consistent action. The State Rationing Administrator's ruling shall be in writing and shall be communicated to the appellant and to the Board. If he reverses or modifies the decision, he shall send a copy of his ruling to the Office of Price Administration. He shall act on the appeal within 30 days of its filing.*

§ 1315.904 *Review by the Office of Price Administration.* An appellant, if he feels aggrieved by the ruling of the State Rationing Administrator, may, within 30 days thereafter, file a written petition for review with the Office of Price Administration, Washington, D. C. If the Office of Price Administration, in its discretion, elects to review the matter, it may require the furnishing of additional pertinent information. The Office of Price Administration may affirm the ruling of the State Rationing Administrator, or may reverse or modify such ruling and remand the matter to the Board for consistent action. The Office of Price Administration's ruling shall be in writing and shall be communicated to the appellant, to the Board, and the State Rationing Administrator.*

Records and Reports

§ 1315.1001 *Records to be kept by Board; posting.* All applications for new tires or tubes, retreaded or recapped tires and camelback received by the Board shall be filed. Records shall be kept by the Board of such other pertinent and material data as may be required by the Office of Price Administration. At intervals of not more than one week, a list of all certificates issued and names of recipients shall be posted at the office of the Board and shall be released to the press.*

§ 1315.1002 *Records to be kept by applicants.* Every applicant to whom a certificate is issued, who operates five or more vehicles in carrying on a commercial enterprise, shall: (a) On the 15th day of each month take a separate inventory of all new, retreaded, or recapped, and used tires and all new and used tubes in his possession or control, and keep a separate record thereof; (b) keep a record of all applications made to Boards, which have not been acted upon; (c) keep a record of all certificates which have been issued to him and which have not yet been used; and (d) maintain a file containing the purchaser's portions of used certificates.*

§ 1315.1003 *Records to be kept by dealers.* Every person selling new tires or tubes or retreaded or recapped tires shall: (a) On February 28, 1942, and at the close of business on the last day of every month thereafter take an inventory of all new tires and tubes and retreaded or recapped tires in his possession or control, and keep a record thereof; (b) maintain a file containing all certificates which have been presented by applicants to whom sales of new tires and tubes or retreaded or recapped tires have been made; (c) prepare reports requested by the Board in his area and by the Office of Price Administration.*

§ 1315.1004 *Records and reports by manufacturers.* Each person who manufactures new tires or tubes shall on March 1, 1942, and on the 1st day of each month thereafter take an inventory of all new tires and tubes in its possession or control and keep a record of its total production of new tires and tubes during the preceding month. This inventory and record shall be kept by the manufacturer and filed with the Office of Price Administration from time to time as requested.*

§ 1315.1005 *Records and reports by recappers and retreaders.* Each person who recaps or retreads tires shall on March 1, 1942, and on the first day of each month thereafter take an inventory of all retreaded or recapped tires in his possession or control and keep a record of his total production of retreaded or recapped tires during the preceding month. Each retreader or recapper shall also take an inventory of all camelback in his possession or control on March 1, 1942, and on the first day of each month thereafter and keep a record of the amount of camelback used in retreading or recapping during the preceding month. These inventories and records shall be kept by the retreader or recapper and filed with the Office of Price Administration from time to time as requested.*

§ 1315.1006 *Records and reports by manufacturers of camelback.* Every person who manufactures camelback shall on March 1, 1942, and on the first day of each month thereafter take an inventory of camelback and keep a record of its total production of camelback for the preceding month. This inventory and record shall be kept by the manufacturer of camelback and filed with the Office of Price Administration from time to time as requested.*

§ 1315.1007 *Preservation of records.* All persons shall keep records in accordance with the requirements elsewhere provided in these regulations for the keeping of records. In addition, all persons affected by these regulations shall keep and preserve, for not less than 2 years, accurate and complete records concerning inventories, production, and sales of new tires and tubes, retreaded or recapped tires and camelback, and shall make them available at all times for inspection by the Office of Price Administration.*

§ 1315.1008 *Filing of reports.* All persons shall file reports to the extent required elsewhere in these regulations. In addition, all persons affected by these regulations shall make such reports as may from time to time be required by the Office of Price Administration and the War Production Board.*

Enforcement

§ 1315.1101 *Criminal prosecutions.* Any person who violates any provision of these regulations, (§§ 1315.151 to 1315.1199, incl.), or who by any act or omission, knowingly falsifies an application, certificate, or any record which he is required to keep by the terms of these regulations, (§§ 1315.151 to 1315.-1199, incl.), or who otherwise knowingly furnishes false information to a Board, State Rationing Administrator, or to the Office of Price Administration, or who conspires with another person to perform any of the foregoing acts, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35A of the Criminal Code (title 18, U.S.C. sec. 80) and other applicable statutes.*

§ 1315.1102 *Denial of materials.* Any person who violates these regulations, (§§ 1315.151 to 1315.1199, incl.), will also be denied the right to receive any new tires or tubes, retreaded or recapped tires, camelback, and any other materials which are now or in the future may be under allocation by the Office of Price Administration, and the Office of Price Administration will recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be under allocation by that Board.*

§ 1315.1103 *Publicity.* In the event of a refusal or failure to abide by the provisions of these regulations (§§ 1315.151 to 1315.1199, incl.) or in the event of any evasion or attempt to evade the provisions of these regulations (§§ 1315.151 to 1315.1199, incl.), the Office of Price Administration, in addition to the foregoing penalties, will make every effort to ensure that complete information is given the public and to appropriate officials of the local, State, and Federal Governments.*

§ 1315.1104 *Other methods of enforcement.* The Office of Price Administration may also take such other action for the enforcement of the provisions of these regulations (§§ 1315.151 to 1315.1199, incl.) as may be necessary, including application to courts and to appropriate agencies of local, State, and Federal Governments in order to invoke such powers as may be available and appropriate in connection therewith.*

§ 1315.1105 *Complaints of violations.* Any person may report a violation of these regulations (§§ 1315.151 to 1315.-1199, incl.) to a Board, Local Rationing Administrator, State Rationing Administrator, regional or field office of the Office of Price Administration, or to the Office of Price Administration at Washington, D. C. An official or employee of the office to which the report is made shall fill out a complaint, OPA Form R–4, secure the signature of the complainant if possible, and transmit the complaint for investigation and action in accordance with the instructions of the Office of Price Administration.*

Effective Dates

§ 1315.1199 *Effective dates of Tire Rationing Regulations.* (a) The Tire Rationing Regulations (§§ 1315.151 to 1315.904, inclusive) shall become effective this 30th day of December, 1941.

(b) These Revised Tire Rationing Regulations (§§ 1315.151 to 1315.1199, inclu-

sive) shall become effective February 19, 1942, except that the provisions of § 1315.803 (b) shall become effective February 16, 1942.

(c) These Revised Tire Rationing Regulations (§§ 1315.151 to 1315.1199, inclusive) supersede the provisions of Sup. Order No. M–15–c, 6 F.R. 6792, December 30, 1941, as amended (7 F.R. 121, 350, 434, 474, January 6, 17, 21, 23, 1942) and the Tire Rationing Regulations, 7 F.R. 72, December 30, 1941, as amended (7 F.R. 257, January 14, 1942) insofar as they may be inconsistent therewith: *Provided, however,* That any violations occurring prior to the effective dates of these Revised Tire Rationing Regulations shall nevertheless be governed by the Sup. Order and Regulations, or amendments thereto, in effect at the time of said violations.*

Issued this 11th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1336; Filed, February 13, 1942; 5:18 p. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER IV—NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 16]

PART 402—OUT-OF-SCHOOL WORK PROGRAM

AMENDMENT OF ADMINISTRATIVE ORDER NO. 15

By virtue of and pursuant to the authority vested in the National Youth Administrator by the Labor-Federal Security Appropriation Act, 1942, approved July 1, 1941, the following amendments to Administrative Order No. 15,[1] dated September 27, 1941, are prescribed:

Section 402.9 is hereby amended to read as follows:

§ 402.9 *Earnings of project supervisory employees.* Rates of pay for project supervisory employees shall be established by the state youth administrator. Such employees shall be compensated for their services on a per diem, monthly, or annual salary basis, subject to the following conditions:

(a) Project supervisory employees, who are regularly required to work for periods of less than 80 hours per pay roll month shall be compensated for their services upon a per diem basis of payment. Project supervisory employees who are compensated for their services upon a per diem basis of payment shall be paid for their actual days, or fractions of days, of service.

(b) Project supervisory employees who are regularly required to work for periods of not less than 80 hours per pay roll month and who are required to be available for service whenever scheduled to work, may be compensated for their services upon a monthly salary basis. For project supervisory employees who are compensated for their services upon a monthly salary basis, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. However, no deduction shall be made for any day or days upon which the employee is not required to work. The minimum deduction for voluntary absence from duty during any fraction of a day shall be one-fourth the deduction made for absence during a full day, and all deductions for voluntary absence during various portions of a day shall be made in multiples of one-fourth.

(c) Project supervisory employees who are regularly required to work not less than 39 hours per week may be compensated for their services on an annual salary basis and, if appointed and compensated on this basis, shall be subject to the leave regulations prescribed for civil employees of the Federal government. This provision, however, shall not be construed to preclude the appointment and compensation of project supervisory employees on an annual salary basis for part-time services, provided such part-time annual-salary employees are not accorded leave benefits.

Section 402.10 is hereby amended to read as follows:

§ 402.10 *Earnings of area supervisory employees.* Area supervisory employees shall be compensated on a per diem or annual salary basis, in accordance with rates established by the state youth administrator, subject to the following conditions:

(a) Area supervisory employees, who are regularly required to work for periods of less than 80 hours per pay roll month shall be compensated for their services upon a per diem basis of payment. Area supervisory employees who are compensated for their services upon a per diem basis of payment shall be paid for their actual days, or fractions of day, of service.

(b) Area supervisory employees who are regularly required to work not less than 39 hours per week shall be compensated for their services on an annual salary basis and, if appointed and compensated on this basis, shall be subject to the leave regulations prescribed for civil employees of the Federal Government. This provision, however, shall not be construed to preclude the appointment and compensation of area supervisory employees on an annual salary basis for part-time services, provided such part-time annual-salaried employees are not accorded leave benefits.

(Public No. 146, 77th Cong., 1st sess., approved July 1, 1941)

These amendments shall become effective at the beginning of pay roll periods on and after March 1, 1942.

AUBREY WILLIAMS,
National Youth Administrator.

Approved: February 12, 1942.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 42–1339; Filed, February 14, 1942; 11:07 a. m.]

[1] 6 R.F. 4975.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 211]

SUBCHAPTER K—SEAMEN

FEBRUARY 13, 1942.

Order waiving compliance with certain of the provisions of section 10 of the Act of June 26, 1884, as amended, and section 12 of the Act of March 4, 1915.

By virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with the provisions of section 10 of the Act of June 26, 1884, as amended (46 U.S.C. 599), and section 12 of the Act of March 4, 1915 (46 U.S.C. 601), to such extent as to permit any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his employer, for the purpose of purchasing for the seaman United States Defense Bonds, or United States Defense Stamps, or both, and for no other purpose.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42–1338; Filed, February 14, 1942; 10:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 14—ELECTRIC RAILWAYS: UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission prescribing amendments to the Uniform System of Accounts for Electric Railways dated February 3, 1942, effective March 1, 1942, was filed with the Division of the Federal Register, February 16, 1942, at 10:43 a. m., F.R. Doc. No. 42–1357. Requests for copies may be addressed to the Interstate Commerce Commission.

[Ex Parte No. MC–36]

PART 200—OFFICIAL RECORDS

BROKERS OF PASSENGER TRANSPORTATION

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 3d day of February, A. D. 1942.

It appearing, That on May 17, 1940, the Commission entered upon an investigation into the matter of rules and regulations governing the maintenance and preservation of records and the reporting of information to the Interstate Commerce Commission by brokers of passenger transportation subject to the provisions of Part II of the Interstate Commerce Act;

And it further appearing, That a full investigation of the matters and things

involved has been made, and the said Division, on the date hereof, has made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof;[1]

It is ordered, That effective April 1, 1942, until further order of the Commission, the Code of Federal Regulations be, and it is hereby, amended as follows:

§ 200.300 *Information required to be recorded.* Every passenger broker subject to section 211 of the Interstate Commerce Act shall maintain and keep an exact record of all transactions in which it or he has participated as such broker, which records shall show: (a) The points of origin and destination for each ticket sold, (b) the name and address of the motor carrier for which it is sold, (c) the amount received from the passenger, including any amounts, stated separately, for the transportation of baggage, or any other service accessorial to the transportation of the passenger, (d) the payments made to each carrier by motor vehicle served by the broker and (e) the amounts of the commissions earned by the broker from the sale of transportation for each carrier. (Sec. 204 (a) (4), 49 Stat. 546, sec. 211 (c), (d), 49 Stat. 554; 49 U.S.C. 304 (a) (4), 311 (c), (d))

By the Commission, division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-1358; Filed, February 16, 1942; 10:43 a. m.]

Notices

TREASURY DEPARTMENT.

Monetary Offices.

VESTING ORDER PURSUANT TO SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED

VESTING ORDER NO. 1 RELATING TO SHARES OF STOCK OF THE GENERAL ANILINE & FILM CORP., OF DELAWARE

I, Henry Morgenthau, Jr., Secretary of the Treasury, acting under and by virtue of the authority vested in me by the President pursuant to section 5 (b) of the Act of October 6, 1917, as amended by section 301 of the First War Powers Act, 1941, finding after investigation that the following shares of the stock of the General Aniline & Film Corporation, a corporation organized under the laws of the State of Delaware, are the property of nationals of a foreign country designated in Executive Order No. 8389, as amended, as defined therein, and that the action herein taken is in the public interest, do hereby order and declare that such shares including all interest therein are hereby vested in the Secretary of the Treasury to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States:

[1] Filed as part of the original document.

Certificate No.	Number of shares	Class of shares	Registered in the name of—
027	1,500	A	Geheimrat Professor Dr. Carl Bosch, Ludwigshafen, Germany.
028	500	A	Geheimrat Professor Dr. Carl Bosch, Ludwigshafen, Germany.
023	1,500	A	Geheimrat Dr. Hermann Schmitz, Berlin, Germany.
029	500	A	Geheimrat Dr. Hermann Schmitz, Berlin, Germany.
0656	20,000	A	Osmon Aktiengesellschaft, Schaffhausen, Switzerland.
0657	10,000	A	
0658	10,000	A	
0659	10,000	A	
0660	5,000	A	
0661	5,000	A	
0662	5,000	A	
0663	500	A	
0664	500	A	
0665	500	A	
0720	132	A	
022	300,000	A	International Gesellschaft für Chemische Unternehmungen Aktiengesellschaft, Basel, Switzerland.
137	100	A	
061	50	A	
065	90	A	
092	726	A	
095	500	A	
0568	10,000	A	
0569	10,000	A	
0570	10,000	A	
0571	10,000	A	
0572	10,000	A	
0573	10,000	A	International Gesellschaft für Chemische Unternehmungen Aktiengesellschaft, Basel, Switzerland.
0574	5,000	A	
0575	5,000	A	
0576	5,000	A	
0577	5,000	A	
0578	5,000	A	
0579	1,000	A	
0580	1,000	A	
0581	1,000	A	
0582	350	A	
BB 13	650,000	B	L. D. Pickering & Company in custody for N. V. Maatschappij voor Industrie en Handelsbelangen, Amsterdam, The Netherlands.
32	100,000	B	N. V. Maatschappij voor Industrie en Handelsbelangen, Amsterdam, The Netherlands.
33	100,000	B	
34	100,000	B	
1	400,000	B	Chemo Maatschappij voor Chemische Ondernehmungen, Amsterdam, The Netherlands.
20	200,000	B	
4	500,000	B	Banque Federale (Eidgenossische Bank, A. G.) Zurich, Switzerland.

Such property and any proceeds thereof shall be held in a special account pending further determination of the Secretary of the Treasury. This shall not be deemed to limit the power of the Secretary of the Treasury to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return or compensation should be made.

Any person not a national of a foreign country designated in Executive Order No. 8389, as amended, asserting any interest in said shares of stock or any party asserting any claim as a result of this Order may file with the Secretary of the Treasury a notice of his claim, together with a request for hearing thereon, on Form TFVP-1 within one year of the date of this Order, or within such further time as may be allowed by the Secretary of the Treasury.

This Order shall be published in the FEDERAL REGISTER.

By direction of the President.

[SEAL] H. MORGENTHAU, Jr., *Secretary of the Treasury.*

FEBRUARY 16, 1942.

[F. R. Doc. 42-1359; Filed, February 16, 1942; 10:33 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-198]

IN THE MATTER OF BOOTH, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 0928

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine

A. Whether or not Booth, Inc., Registered Distributor, Registration No. 0928 (hereinafter sometimes referred to as the "Registered Distributor") whose address is Kenova, W. Va., has violated any provisions of the Act, the Code, and orders and regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated October 19, 1940, and filed by Booth, Inc., pursuant to Order of the Division dated June 19, 1940, in General Docket No. 12, and more particularly whether or not subsequent to September 30, 1940, said registered distributor:

1. During the period May 27, 1941, to June 7, 1941, both dates inclusive, acting as sales agent for the code member producers hereinafter named, made the following substitutions and sales:

(a) substitution of 419.05 tons of 2" x 5" egg coal produced at the Sellards No. 1 mine (Mine Index No. 2431) of Left Fork Fuel Company, Inc., a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company, specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine;

(b) substitution of 418.5 tons of 2" x 5" egg coal produced at the Camp Creek Coal Company Mine (Mine Index No. 2420) of A. J. Fry, a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine;

(c) Substitution of 200 tons of 2" x 5" egg coal produced at the Hall Brothers Mine (Mine Index No. 2421) of J. C. Fry and Andrew J. Fry, co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine; and

(d) substitution of 152.2 tons of 2" x 5" egg coal produced at the Fry Mine (Mine Index No. 2703) of J. C. Fry and Andrew J. Fry, copartners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine;

which substitutions were: (a) either an express or implied condition of a spot order or a contract; (b) not necessary as a temporary and emergency measure in order to continue the operation of the mine at which the coal was produced; (c) made without the authorization of the purchaser and with the purpose or effect of conferring an advantage on the purchaser or of securing a preference or advantage over the competitors of the code member or the registered distributor; or (d) not of coal about to be produced or which had been already produced and loaded into transportation facilities and in either event could have been sold, probably by the usual sales effort; resulting in violations of Rule 1 (f) of section XI of the Marketing Rules and Regulations and therefore of paragraphs (b) and (e) of the Distributor's Agreement.

2. Accepted and retained commissions as sales agent for A. J. Fry, an individual, code member in District No. 8, and J. C. Fry and A. J. Fry, co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member in District No. 8, upon the sales of coal described in paragraph A–1 hereof, although certified copies of agreements between the registered distributor, as sales agent, and the said code members as principals, were not on file with the statistical bureau of District No. 8, resulting in the violation of Rule 9 of Section II of the Marketing Rules and Regulations, and therefore of paragraph (e) of the Distributor's Agreement.

3. Accepted and retained commissions as sales agent for the Left Fork Fuel Company, Inc., code member in District No. 8, upon coals sold and delivered to the Ann Arbor Railway Company as described in paragraph A–1 (a) hereof pursuant to a contract of agency between said parties entered into subsequent to August 8, 1941, which commissions were in excess of the maximum discounts said Booth, Inc., could have received if it had purchased coal as a distributor under the Schedule of Due and Reasonable Maximum Discounts for Distributors established pursuant to section 4 II (h) of the Act resulting in a violation of Rule 13 (a) of Section II of the Marketing Rules and Regulations and therefore of paragraph (e) of the Distributor's Agreement.

B. Whether or not the registration of said Booth, Inc., should be revoked or suspended or other appropriate penalties should be imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned Booth, Inc., has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on March 11, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Booth, Inc., and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Booth, Inc., with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on the Booth, Inc., and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by Booth, Inc., of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1361; Filed, February 16, 1942; 11:23 a. m.]

[Docket No. B–112]

IN THE MATTER OF SAMUEL C. HAER AND FRED B. HAER, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF SAMUEL C. HAER AND FRED B. HAER, DEFENDANTS

ORDER CONTINUING HEARING

The above-entitled matter having been scheduled by Notice of and Order for Hearing dated December 3, 1941, for hearing on January 9, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania, and such hearing, by order of the presiding examiner, having been continued to January 15, 1942, and further continued until February 17, 1942, at the place heretofore designated; and

It appearing to the Acting Director that it is advisable that said hearing should be further continued;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, continued to a date and place to be hereafter designated by appropriate Order.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1362; Filed, February 16, 1942; 11:23 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4 PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT, AND IN RE PETITION OF AMERICAN COAL DISTRIBUTORS ASSOCIATION FOR AMENDMENT OF § 304.14 (a) OF THE RULES AND REGULATIONS FOR REGISTRATION OF DISTRIBUTORS

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on February 16, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth St. NW., Washington, D. C., by Notice of and Order for Hearing dated January 21, 1942; and

The Acting Director deeming it advisable that said hearing should be postponed to February 17, 1942;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed from 10 o'clock in the forenoon of February 16, 1942 to 10 o'clock in the forenoon of February 17, 1942, at a hearing room of the Bituminous Coal Division, 734 Fifteenth St. NW., Washington, D. C., before the officer or officers previously designated to preside at said hearing. On such day the Chief of the Records Section in Room 502 will advise as to the room where the hearing will be held; and

It is further ordered, That the said Notice of and Order for Hearing dated January 21, 1942, shall, in all other respects, remain in full force and effect.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1363; Filed, February 16, 1942; 11:23 a. m.]

[Docket No. A-1238]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF A PRICE INSTRUCTION CONCERNING TRUCK AND RIVER SHIPMENTS OF 30,000 TONS OF COAL OF CERTAIN MINES IN SUBDISTRICT NO. 4 OF DISTRICT NO. 13 TO THE WILSON DAM STEAM PLANT OF TENNESSEE VALLEY AUTHORITY

ORDER POSTPONING HEARING AND REDESIGNATING PLACE OF HEARING AND TRIAL EXAMINER

The original petitioner having moved that the hearing in the above-entitled matter heretofore scheduled for February 16, 1942, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C., be postponed and removed to Chattanooga, Tennessee, and having shown good cause why such motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of February 16, 1942, until 10 o'clock in the forenoon of February 19, 1942, at a hearing room of the Bituminous Coal Division, Hamilton County Court House, Chattanooga, Tennessee, and before Scott A. Dahlquist in place of the officer heretofore designated.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1364; Filed, February 16, 1942; 11:23 a. m.]

[Docket No. A-1242]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE R. & G. MINE (MINE INDEX NO. 104) OF HENRY W. STRIETELMEIER, A CODE MEMBER IN DISTRICT NO. 11

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on February 17, 1942; and

It appearing to the Acting Director that it is advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of February 17, 1942, until April 1, 1942, at the place and before the officers heretofore designated.

Dated: February 14, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1365; Filed, February 16, 1942; 11:23 a. m.]

[Docket No. A-1193]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on February 17, 1942; and

It appearing to the Acting Director that it is advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of February 17, 1942, until April 1, 1942, at the place and before the officers heretofore designated.

Dated: February 14, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1366; Filed, February 16, 1942; 11:24 a. m.]

[Docket No. 1551-FD]

IN THE MATTER OF CHARLES JANEWAY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on February 5, 1941, by the Bituminous Coal Producers Board for District No. 8, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the defendant Charles Janeway, trading as Burch and Janeway Coal Company, a code member, of the Act, the Bituminous Coal Code (the "Code") and the effective minimum prices established thereunder; and

A hearing having been held thereon on March 20, 1941 at Knoxville, Tennessee; and

An order having been made on July 24, 1941, cancelling and revoking the code membership of the defendant, Charles Janeway, trading as Burch and Janeway Coal Company; and

Said order of cancellation and revocation having been duly served on August 5, 1941, upon Charles Janeway, trading as Burch and Janeway Coal Company; and

Charles Janeway, trading as Burch and Janeway Coal Company, having filed with the Division his application dated September 22, 1941, for restoration of his code membership; and

It appearing from said application that said Charles Janeway, trading as Burch and Janeway Coal Company, paid to the Collector of Internal Revenue at Parkersburg, West Virginia on August 13, 1941, the sum of $41.93, representing 39% penalty tax as a condition precedent to restoration of his membership in the Bituminous Coal Code.

Now, therefore, it is ordered, That said application of Charles Janeway, trading as Burch and Janeway Coal Company, dated September 22, 1941, for restoration of his code membership be and the same hereby is granted and the membership of Charles Janeway, trading as Burch and Janeway Coal Company in the Code is restored as of August 13, 1941.

Dated: February 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1367; Filed, February 16, 1942; 11:24 a. m.]

[Docket No. 1641-FD]

IN THE MATTER OF A. I. DAVEY, SR., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2158, RESPONDENT

ORDER ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND REVOKING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the Rules and Regulations for the Registration of Distributors in order to investigate and determine whether A. I. Davey, Sr., a registered distributor (Registration No. 2158), Hudson, Ohio, has violated certain provisions of the Act, the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal, the Rules and Regulations for the Registration of Distributors, and the Agreement by Registered Distributor;

A Notice of and Order for Hearing having been issued and the respondent having filed an answer;

Pursuant to the Notice of and Order for Hearing, a hearing in this matter having been held before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Cleveland, Ohio, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the respondent appeared;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter on December 18, 1941, in which it was recommended that the registration of the respondent as a registered distributor be revoked, without prejudice, however, to the right of the respondent after six months from the date of said revocation, to petition the Division for reinstatement as a registered distributor, subject to certain conditions;

The respondent having filed exceptions thereto on January 5, 1942, and requested an oral argument thereon;

The undersigned having made Findings of Fact herein and having rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That the request for oral argument herein be, and it hereby is, denied.

It is further ordered, That the exceptions of A. I. Davey, Sr., to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be, and they hereby are severally overruled.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the registration of A. I. Davey, Sr., as a registered distributor (Registration No. 2158), be, and it hereby is, revoked: *Provided, however,* That the respondent may, after six months from the date of this Order, petition the Division for reinstatement as a registered distributor: *And, provided further,* That as conditions to a consid-

eration of a petition for reinstatement, should the respondent file one, the respondent shall submit to the Division, together with his petition for reinstatement, an affidavit verifying that during the period his registration as a registered distributor was revoked, the respondent neither directly nor indirectly transacted business as a registered distributor, nor received nor was promised any discount which distributors are entitled to receive by virtue of registration, and that the respondent shall have returned to the Hanna Coal Company of Ohio all discounts collected by him on coals shipped to the W. H. Davey Steel Company and a statement by the respondent that such refunds have been made shall be included in the affidavit.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1368; Filed, February 16, 1942; 11:24 a. m.]

[Docket No. A-1135, Part II]

PETITION OF DISTRICT BOARD NO. 1, FOR THE ESTABLISHMENT OF ADDITIONAL SHIPPING POINTS FOR MINE INDEX NOS. 863, 864, AND 501 IN DISTRICT NO. 1, FOR ALL SHIPMENTS EXCEPT TRUCK

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on October 28, 1941, by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of additional shipping points for Mine Index Nos. 863, 864, and 501, in District No. 1, For All Shipments Except Truck.[1]

Pursuant to Order of the Acting Director dated December 4, 1941, and after due notice to all interested persons, a hearing in this matter was held on January 6, 1942, before W. A. Shipman, a duly designated Examiner of the Division, at Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned who has considered the record of this proceeding.

The petition of the District Board herein proposes that the price classifications and minimum prices heretofore established for the coals of Mine Index Nos. 863, 864 and 501, located in District No. 1, be made effective for additional rail shipping points. The evidence regarding the request for shipping points for each mine was to the following effect:

Brown and Lawrence, code members, operators of Mine Index Nos. 863 and 864 requested, and the District Board proposed that the price classifications and minimum prices established for their coals for shipment by rail from Barnum, West Virginia, on the Western Maryland Railroad, be made applicable also for rail shipments from Westernport, Maryland, on the Cumberland and Pennsylvania Railroad.

L. L. Romesburg, a code member, operator of the Saylor Mine, (Mine Index No. 501), also requested, and the District Board proposed, that the price classifications and minimum prices established for his coals for rail shipment from Rockwood, Pennsylvania, on the Baltimore & Ohio Railroad, be made applicable also for rail shipments from Rockwood, on the Western Maryland Railroad.

It appears from the uncontroverted testimony given by J. N. Geyer, technical advisor of District Board No. 1, that the request for additional rail shipping points for the coals produced at Mine Index Nos. 863, 864, and 501 should be denied. Geyer testified that the producers failed upon request to furnish the District Board with sufficient information as to the necessity for the two shipping points, or as to which point would be preferable. For these reasons, the witness of the District Board was of the opinion that the request for the additional rail shipping points should not be granted, and accordingly entered a motion that the request be denied without prejudice to the code members.

It does not appear clear from the record whether the District Board seeks to have the request for additional rail shipping points dismissed or denied. However, it should be noted that a denial will in no way prejudice the code members from seeking further action in this case pursuant to section 4 II (d) of the Act.

Upon the basis of the evidence, I find and conclude:

(1) That the request for additional rail shipping points for Mine Index Nos. 863, 864, and 501, proposed by District Board No. 1, should be denied.

(2) Such denial of the requested additional shipping points is necessary in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with all the standards thereof.

Now, therefore, it is ordered, That the prayers in the petition herein be, and they hereby are, denied.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1369; Filed, February 16, 1942; 11:24 a. m.]

[Docket No. A-1238]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR AN ORDER ESTABLISHING PRICES FOR THE SALE OF 30,000 TONS OF COAL SHIPPED BY RIVER FROM THE MINES OF SUBDISTRICT 4 OF DISTRICT 13 TO THE WILSON DAM STEAM PLANT OF THE TENNESSEE VALLEY AUTHORITY, AND FOR TEMPORARY RELIEF

MEMORANDUM OPINION AND ORDER CORRECTING ORDER OF JANUARY 24, 1942

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, on December 24, 1941, by the Bituminous Coal Consumers' Counsel ("Consumers' Counsel"). Speaking generally, the petition proposed and sought the establishment of effective minimum prices for coal moving from Subdistrict 4 of District No. 13 (Tennessee-Georgia truck mines) via the Tennessee River to the Wilson Dam of the Tennessee Valley Authority in Market Area 117. In the past the steam plant of Wilson Dam had received its coal supply from producers in Subdistrict 1 of District 13 (Alabama rail-connected mines).

An informal conference, upon notice to interested parties, was held on January 8, 1942, pursuant to the Rules and Regulations Governing Practice and Procedure in section 4 II (d) proceedings, for the purpose of affording interested parties the opportunity of expressing their views concerning the temporary relief prayed for.

Represented at the conference in support of the requested relief were Consumers' Counsel; Blaine Buchanan, appearing for certain producers in Subdistrict 4 of District 13; and the Tennessee Valley Authority. Parties at the conference opposing the requested relief were: District Board 7; District Board 13; W. H. Saddler, appearing on behalf of certain companies in District 13; H. McDermott, appearing for the Stith Coal Company; B. G. Jordan, appearing for the A B C Coal and Coke Company; James C. Stephenson, appearing for the Cane Creek Mining Company and the National Coal and Coke Company; J. M. Chapman, appearing for the Chapman Coal Sales Company; A. W. Vogtle, appearing for the DeBardeleben Coal Corporation; and J. H. Moore, appearing for the Brookside-Pratt Mining Company, all code members in Subdistrict 1 of District 13 or their sales agents.

Thereafter, on January 24, 1942, the Acting Director, upon the basis of information disclosed at the informal conference, issued a Memorandum Opinion and Order in which the facts disclosed at the informal conference were set forth and the conclusion reached that pending final disposition, code member producers in Subdistrict 4 of District 13 whose mines are located within 30 miles of the river loading facilities at South Pittsburg, Tennessee, should temporarily be authorized to ship by truck run-of-

[1] This was a part of the original petition filed with the Division in Docket No. A-1135 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1. Pursuant to Order of the Acting Director, dated December 4, 1941, the above portion of Docket No. A-1135 relating to the coals of Mine Index Nos. 863, 864, and 501 was severed from the remainder of Docket No. A-1135 and designated as Docket No. A-1135, Part II.

mine (Size Group No. 7) coal from such mines to river loading facilities at South Pittsburg for shipment by river to Market Area 117 at a minimum price of not less than $3.25 per net ton loaded into barges. This price was based upon a base transportation cost or charge (from mine to river loading facilities) of 60 cents per ton. An order in accordance with this conclusion was entered. On February 5, 1942, Consumers' Counsel filed a "Motion for Modification of Temporary Relief" in which modification of the Order of January 24 was requested and an f. o. b. barge price between $2.60 and $2.95 per ton requested. In this motion it was pointed out that the effect of the January 24 Order was to establish a price for the Subdistrict 4 coals which enabled them to deliver in Market Area 117 at the going delivered price of the all-rail Alabama coal (from Subdistrict 1) rather than at the effective minimum price for such coals.

The effective minimum f. o. b. mine price for washed run-of-mine coals from the central Alabama field is $2.35 per ton.[1] The freight rate from the central Alabama fields to Market Area 117 ranges from $1.15 to $1.50. However, a 25 cents per ton maximum absorption from the high freight rate is allowed and the majority of the coal from the central Alabama fields moves to Market Area 117 on the $1.25 freight rate. Consequently the delivered price of central Alabama rail coal (washed run-of-mine) is $3.60 per ton.[2] The charges incident to the moving of coal from the Subdistrict 4 mines to Market Area 117 includes the cost of transporting the coal from the mine to the loading facilities at South Pittsburg; the cost of loading the coal into the barges, said to be 10 cents per ton; the cost of river transportation from South Pittsburg to Sheffield said to be 60 cents per ton; and the cost of lifting said to be 15 cents per ton. In order to equalize the price of all mines in Subdistrict 4, which are located within 30 miles of South Pittsburg, for sale to TVA in Market Area 117, it seems desirable to fix the minimum price f. o. b. delivered into the barge, just as was done in the Order of January 24. If this price is established at $2.85, subject to the base trucking charge of 60 cents per ton, it will permit the delivery of such coal to the Wilson Dam at $3.60 per ton which is the price at which washed run-of-mine coal is delivered from the central Alabama fields.

Under the circumstances, it appears that the Order of January 24 should be modified accordingly, but in all other respects the order should remain unchanged.

Now, therefore, it is ordered, That the Order of January 24, 1942, granting temporary relief in this matter is hereby revoked and cancelled; and

It is further ordered, That temporary relief pending final disposition of this proceeding is hereby granted by adding to the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments (at p. 24 thereof; Subdistricts 3 and 4 Subsections) the following Price Exception:

Any code member producer whose mine is located in Subdistrict 4 and which mine is located within a radius of 30 miles of river loading facilities at South Pittsburg, Tennessee, may ship by truck run-of-mine (Size Group No. 7) coal from such mine to river loading facilities at South Pittsburg, Tennessee, for shipment by river to Market Area 117 at a minimum price of not less than $2.85 per net ton loaded into barges;

Provided, however, That when such producers sell or transport such coal for transportation to the South Pittsburg loading facilities by an independent trucker, they may if the actual transportation costs exceed 60 cents per net ton reduce the effective minimum price of $2.85 by an amount no greater than the excess of such costs over said 60 cents; and they shall, if the actual transportation costs are less than 60 cents per net ton for such shipment, add to the effective minimum f. o. b. price of $2.85, an amount not less than the difference between said 60 cents and their actual costs;

Provided further, That the relief herein granted shall apply only to coal shipped subsequent to the date hereof; and

Provided further, That the effectiveness of this price exception will expire on June 30, 1942, unless otherwise ordered.

And it is further ordered, That jurisdiction is reserved to enter such further order or orders as is found necessary in the premises.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the applicable rules and regulations.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Acting Director's views concerning the final disposition of this proceeding or the nature of the relief which may hereafter be granted.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1370; Filed, February 16, 1942; 11:25 a. m.]

[1] No prices have been established for raw run-of-mine coals for the central Alabama rail mines here involved.

[2] In the past Tennessee Valley Authority has purchased only a small amount of run-of-mine from the central Alabama producers. For the most part is purchases from these producers have consisted of 1½" x 0 washed screenings, the f. o. b. price of which is $2.20 per ton. However, since it appears that TVA desires to purchase run-of-mine coal from the Subdistrict 4 producers, it seems appropriate to compare the relative run-of-mine prices.

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 86-A 3]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 35, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA

Notice is hereby given of a hearing to be held in the United States Post Office Building, Omaha, Nebraska, beginning at 10:00 a. m., central war time (9:00 a. m., c. s. t.), February 25, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 35, as amended,[1] regulating the handling of milk in the Omaha-Council Bluffs marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and at the hearing, evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

A. Amendments Proposed by the Nebraska-Iowa Non-Stock Cooperative Milk Association:

1. Delete subparagraph (1) of § 935.4 (a) and substitute therefor the following:

(1) Class I milk—$2.90 per hundredweight: *Provided,* That with respect to Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.43 per hundredweight.

2. Delete subparagraph (2) of § 935.4 (a) and substitute therefor the following:

(2) Class II milk—$2.25 per hundredweight: *Provided,* That in no event shall the Class II price be less than the Class III price, before the proviso, plus 20 cents.

3. Delete subparagraph (3) of § 935.4 (a) and substitute therefor the following:

(3) Class III milk—The price per hundredweight for Class III milk during each delivery period shall be the result of the following computation by the market administrator: Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture, for the delivery period during which such milk is received, plus or minus 0.95 cent per hundredweight for each one cent that such average price of butter is above or below 20 cents, add 21 cents, and add a figure determined as follows: add 3 cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7 cents per pound: *Provided,* That for a quantity of Class III milk, not to exceed 10 percent of the Class I milk and Class II milk disposed of by such handler during the delivery period, the price will be as determined by this paragraph, minus 25 cents. For purposes of determining the above computation the price per

[1] 4 F.R.1408; 6 F.R. 1189.

pound of dry skim to be used shall be the average of the carlot prices for dry skim for human consumption delivered at Chicago, as published by the United States Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the preceding delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period.

B. Amendments Proposed by the Dairy Division:

1. Delete § 935.6 and substitute therefor the following:

§ 935.6 *Application of provisions*—(a) *Handlers who are also producers.* (1) In the case of a handler who is also a producer and who purchases or receives no milk from other producers, the market administrator shall exclude from the computations made pursuant to § 935.7 the quantity of milk disposed of by such handler.

(2) In the case of a handler who is also a producer and who purchases or receives milk from other producers, the market administrator shall, before making the computations pursuant to § 935.7, (i) exclude from the Class I milk, Class II milk, and Class III milk the milk purchased or received by such handler in the respective classes from other handlers, and (ii) exclude prorata from the remaining Class I milk, Class II milk, and Class III milk, the milk received from such handler's own production.

(b) *Purchases of milk from a handler who is also a producer.* In the case of a handler who purchases or receives milk in bulk from a handler who is also a producer, the market administrator, in making the computations pursuant to § 935.7 for such purchasing handler, shall add an amount equal to the difference between the value of such milk (i) at the price for the class in which such milk was classified and (ii) at the price for Class III milk.

(c) *Payments for excess butterfat.* (1) In the case of a handler who disposes of butterfat in excess of the butterfat which, on the basis of his reports, has been received, the market administrator, in making the computations pursuant to § 935.7, shall add an amount equal to the value of such butterfat in accordance with its classification.

2. Delete paragraph (a) of § 935.7 and substitute therefor the following:

(a) *Computation of the amount to be paid producers by each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 935.6, the amount to be paid producers by each handler for milk received from them including the milk of producers which a cooperative association caused to be delivered to a plant from which no milk is disposed of in the marketing area by (i) multiplying the hundredweight of such milk in each class by the price applicable pursuant to § 935.4, (ii) adding together the resulting values of each class, and (iii) adding any amounts pursuant to § 935.6 (b) and § 935.6 (c).

3. Delete paragraph (b) of § 935.7.

4. Delete in line 2 of subparagraph (1) of § 935.7 (c) the phrase "paragraphs (a) and (b)" and substitute therefor the following: "paragraph (a)."

5. Redesignate paragraph "(c)" of § 935.7 as paragraph "(b)."

6. Delete in line 9 of paragraph (a) of § 935.8 the phrase "§ 935.7 (c)" and substitute therefor the following: "§ 935.7 (b)."

7. Reconsider § 935.3 and other provisions in view of the above suggested amendments.

Additional copies of this notice of hearing and copies of Order No. 35, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,[2]
Assistant to the Secretary of Agriculture.

FEBRUARY 14, 1942.

[F. R. Doc. 42-1340; Filed, February 14, 1942; 11:39 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591)

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530)

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829)

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393)

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446)

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302)

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753)

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 16, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Elkov Novelty Manufacturing Company, 1710 North Franklin Street, Philadelphia, Pennsylvania; Dresses; 5 learners (T); February 16, 1943.

Tiedright Tie Company, Asheboro, North Carolina; Men's & Boys' Neckwear; 2 learners (T); February 16, 1943.

Varsity Underwear Company, Inc., Sharptown, Maryland; Men's Shorts; 10 percent (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of January 8, 1943.)

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS AND WOMEN'S APPAREL INDUSTRIES

Alpha Manufacturing Company, 18 North Front Street, Hammonton, New Jersey; Ladies' & Misses' Dresses, Children's Outer Pants; 10 percent (T); February 16, 1943.

Apollo Shirt Company, Inc., 22 West 19th Street, New York, N. Y.; Shirts; 10 learners (T); August 17, 1942. (This certificate replaces one bearing expiration date of April 13, 1942, issued to this plant previously located at 130 Fifth Avenue.)

Bailey Manufacturing Company, Inc., 1a Waltham Street, Boston, Massachusetts; Washable Uniforms, One Piece Work Suits; 10 percent (T); February 16, 1943.

The Beacon Company, 519 Broadway, Kingston, New York; Dresses; 10 percent (T); February 26, 1943.

William Bernstein and Sons, 110 Carlisle Avenue, York, Pennsylvania; Dresses; 10 percent (T); February 16, 1943.

Dorothy Bickum Brassiere Company, 44 West 28th Street, New York, N. Y.; Girdles, Corselettes; 10 percent (T); June 1, 1942.

A. Brash and Brother, 327 West Baltimore Street, Baltimore, Maryland; Men's Trousers; 6 learners (T); February 16, 1943.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

Cadillac Shirt Company, 374 Elm Street, Perth Amboy, New Jersey; Shirts and Shorts; (Men's Woven Underwear: Learners may be employed in the occupations of machine operators, hand sewers, and pressers only for a learning period not to exceed 320 hours at a rate of 25¢ an hour); 10 percent (T); February 16, 1943.

Milton Hoisch, 308 E. Ninth Street, Los Angeles, California; Ladies' Slack Suits and Blouses; 7 learners (E); August 16, 1942. (This certificate replaces one issued bearing expiration date of November 27, 1942.)

Dickson-Jenkins Manufacturing Company, 202 St. Louis Avenue, Fort Worth, Texas; Work Clothing, Sports Wear; 10 percent (T); February 16, 1943.

Iron King Overall Company, 113 South Hanover Street, Baltimore, Maryland; Overalls, Pants; 10 learners (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of January 12, 1943.)

Midwest Sportswear Manufacturing Company, 127—2nd Street, Baraboo, Wisconsin; Slacks, Blouses, Jackets, Skirts; 10 learners (T); February 16, 1943.

Princess Garment Company, 3301 Colerain Avenue, Cincinnati, Ohio; Dresses; 10 percent (T); February 16, 1943.

S & S Clothing Corporation, 44 Lehigh Street, Wilkes-Barre, Pennsylvania; Trousers, Overalls; 10 percent (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of December 26, 1942.)

Sinberg Manufacturing Company, Inc., 8th and Pittston Streets, Allentown, Pennsylvania; Brassieres; 10 learners (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of May 1, 1942.)

Louis Tuttman and Son, 620 Bangs Avenue, Asbury Park, New Jersey; Infants' Dresses, Gertrudes, Creepers; 10 percent (T); February 16, 1943.

Louis Tuttman and Son, 150 Hudson Street, Hoboken, New Jersey; Children's Dresses; 10 percent (T); February 16, 1943.

Wear-Rite Brassiere Company, Inc., 37 West 26th Street, New York, N. Y.; Corsets and Allied Garments; 10 percent (T); June 1, 1942.

Gloves

Reliance Knitting Mills Company, 640 Broadway, New York, N. Y.; Knit Wool Gloves; 10 percent (T); February 16, 1943.

Hosiery

Chipman LaCrosse Hosiery Mills Company, Inc., 125 E. Caswell Street, Hendersonville, N. C.; Seamless Hosiery; 10 percent (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of October 20, 1942.)

Forest City Knitting Company, Catherine and Magnolia Streets, Rockford, Illinois; Seamless Hosiery; 5 percent (T); February 16, 1943.

Russell Hosiery Mill, Star, North Carolina; Seamless Hosiery; 5 percent (T); February 16, 1943.

Sterling Hosery Mills, Inc., Spindale, North Carolina; Full Fashioned Hosiery; 10 percent (T); February 16, 1943.

Young Knit Hosiery Company, Logan Street, Burlington, North Carolina; Seamless Hosiery; 2 learners (T); February 16, 1943.

Telephone

Central Iowa Telephone Company, Toledo, Iowa; to employ learners as commercial switchboard operators at its Forest City, Iowa Exchange, located at K Street, Forest City, Iowa; until February 16, 1943.

Knitted Wear

The Gail Knitting Mills, Inc., 1141 Moss Street, Reading, Pennsylvania; Knitted Outerwear; 5 learners (T); February 16, 1943.

Sinberg Manufacturing Company, Inc., 8th and Pittston Streets, Allentown, Pennsylvania; Knitted Underwear; 15 learners (E); August 16, 1942.

Millinery

Walter A. Muller Company, Inc., 731 Market Street, San Francisco, California; Custom-Made Millinery; 2 learners (T); February 16, 1943.

The New Schachter Hat Company, Inc., 1 W. 39th Street, New York, N. Y.; Custom-Made Millinery; 3 learners (T); February 12, 1943. (This certificate effective February 12, 1942, and omitted from FEDERAL REGISTER of that date.)

Textile

Charles H. Bacon Company, Lenoir City, Tennessee; Combed Peeler Yarns; 3 percent (T); February 16, 1943.

Clover Spinning Mills, Inc., Clover, South Carolina; Cotton Yarns; 30 learners (E); June 16, 1942.

Harry Cohen and Company, 336 Klickitat Avenue, Seattle, Washington; Dishtowels; 2 learners (T); August 16, 1942.

Neal Brothers, R. F. D. #1, Ruffin, North Carolina; Backwinding of silk, rayon and nylon from press-offs; 3 learners (T); February 16, 1943.

Tennessee Tufting Company, 2404 Heiman Street, Nashville, Tennessee; Chenille Bedspreads, Cotton Tufted Bath Mats and Rugs; 10 percent (T); February 16, 1943.

Trucolor Dye Works, 32–15 37th Avenue, Long Island City, New York; Redyeing curtains, draperies, garments; 1 learner (T); August 16, 1942.

Universal Drapery Company, 913 W. Roosevelt Road, Chicago, Illinois; Chenille (Tufted) Bedspreads; 5 learners (T); February 19, 1943. (This certificate effective February 19, 1942.)

Signed at Washington, D. C., this 13th day of February 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–1334; Filed, February 13, 1942; 4:06 p. m.]

BLUE BELL GLOBE MANUFACTURING COMPANY

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Blue Bell Globe Manufacturing Company, Greensboro, North Carolina, relief from the necessity of preserving their daily coupon sheets for two years as required by § 516.15 (a) (1) of the Record Keeping Regulations, Part 516.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at Washington, D. C. this 14 day of February 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42–1351; Filed, February 14, 1942; 12:35 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5695]

IN THE MATTER OF MISSISSIPPI RIVER POWER COMPANY

ORDER POSTPONING HEARING

FEBRUARY 13, 1942.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in the above-entitled matter;

Therefore, the Commission *orders* that: The hearing in this proceeding heretofore set to commence on February 23, 1942, be and it is hereby postponed until April 6, 1942, and 9:45 a. m., C. W. T., in Room 516 of the Court House and Custom House, St. Louis, Missouri.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42–1354; Filed, February 16, 1942; 10:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–242]

IN THE MATTER OF CITIES SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING AND ORDER TEMPORARILY EXTENDING TIME WITHIN WHICH ADDITIONAL INVESTMENTS MAY BE MADE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

The Commission having heretofore, on February 15, 1941, issued an order pursuant to the Public Utility Holding Company Act of 1935, particularly section 10 and Rule U-12B–1 promulgated under said Act, permitting a declaration to become effective and granting an application with respect to the increase by Cities Service Company of the aggregate amount of its investments in securities of and advances to the following companies: Empire Gas and Fuel Company, Cities Service Oil Company (Delaware), Cities Service Oil Company, Limited, Indian Territory Illuminating Oil Company,

Empire Pipeline Company, Cities Service Oil Company (Pennsylvania), Arkansas Fuel Oil Company, Richfield Oil Corporation, Natural Gas Pipeline Company of America, Cities Service Gas Company, Penn-York Natural Gas Corporation, Sixty Wall Tower, Inc., Sixty Wall Street, and Chesebrough Building Company; such increase to be made during the year next ensuing from the date of such Order and to be in an amount not to exceed $12,000,000 and to be made as it appears desirable to Cities Service Company that such increase should be made; and

Cities Service Company having filed a supplemental application reciting that during the effective date of such order Cities Service Company had made advances to certain of such companies pursuant to such order in the aggregate amount of $1,380,069.25 and requesting that the time within which Cities Service Company may in its discretion increase the aggregate amount of its investments in securities of and advances to such companies named in such order in an amount not exceeding the unexpended balance, namely, $10,619,930.75, for a further period of one year, beginning February 15, 1942; and

Cities Service Company having requested an order granting such extension of time on or before February 15, 1942; and

It appearing to the Commission in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said extension shall not be granted except upon further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on March 4, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such application shall be granted. Notice is hereby given of said hearing to the above named applicant and to all interested persons, said notice to be given to said applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given, To Cities Service Company, and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

It is further ordered, That the time within which the applicant may increase the aggregate amount of its investments in securities of and advances to the companies named in the order of February 15, 1941, shall be temporarily extended pending a final determination of the request for extension of such order of February 15, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1343; Filed, February 14, 1942; 12:03 p. m.]

[File No. 1-1554]

IN THE MATTER OF RUTLAND RAILROAD COMPANY 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Cumulative Preferred Stock, $100 Par Value, of Rutland Railroad Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, March 10, 1942, at the office of the Securities & Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphries, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1342; Filed, February 14, 1942; 12:03 p. m.]

[File No. 70-384]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

The Commission, having in an Order, dated August 23, 1941, exempted, pursuant to sections 9 (c) (3) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-100, promulgated thereunder, the initial delivery to New England Gas and Electric Association of $55,000, in cash, and 4,147 shares of its $5.50 Preferred Stock, in accordance with a Settlement Agreement entered between it, the Trustees of Associated Gas and Electric Company and of Associated Gas and Electric Corporation, and certain other parties and Howard C. Hopson, et al.; and

New England Gas and Electric Association having filed an application for exemption of certain transactions supplementary to the transactions exempted by the Commission in its Order dated August 23, 1941, in which application it is represented that said Association has paid said sum of $55,000 in cash into an escrow account for the benefit of itself and its subsidiaries, and in which it is proposed that said Association acquire, free and clear of all claims of its subsidiaries, said 4,147 shares of $5.50 Preferred Stock for a sum of $58,058, which sum is proposed to be paid into said escrow account; and

Said New England Gas and Electric Association having requested that the Commission exempt, as transactions supplementary to the transaction heretofore exempted by this Commission in its Order of August 23, 1941:

(1) The aforesaid acquisition by New England Gas and Electric Association of said 4,147 shares of $5.50 Preferred Stock and the payment therefor of said amount of $58,058 to be placed in said escrow account; and

(2) The distribution by New England Gas and Electric Association of the funds in said escrow account, including said sum of $58,058 proposed to be paid as aforesaid (all of said amounts aggregating $113,058) first to the payment of expenses in connection with said settlement and thereafter to itself and to each of its subsidiaries, in the same proportions as the gross payments made by it and each of its subsidiaries to Howard C. Hopson and to various corporations, partnerships, and individuals referred to in said previous applications as the "Hopson Service Companies," bear to the total of such payments by said Association and its subsidiaries.

It appearing to the Commission that the proposed transactions may appropriately be exempted from the applicable provisions of the Act and the rules thereunder;

It is hereby ordered, Pursuant to Rule U-100 (a) and the applicable provisions of the Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application for exemption be and the same is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1341; Filed, February 14, 1942; 12:04 p. m.]

[File No. 37-28]

IN THE MATTER OF ATLANTIC UTILITY SERVICE CORPORATION

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

The Commission having, on January 29, 1942, issued its Notice of Filing and Order for Hearing, pursuant to Section 13 of the Public Utility Holding Company Act of 1935, in the above entitled matter, and said order having set the date for the hearing herein on February 17, 1942; and

Atlantic Utility Service Corporation having requested that said date of hearing be postponed from February 17, 1942 until the week of March 2, 1942, and the Commission being of the opinion that said request may appropriately be granted;

It is ordered, That the date of the hearing in this matter be and is hereby postponed to March 6, 1942 at 10:00 A. M., at the offices of the Securities and Exchange Comission, 1778 Pennsylvania Avenue, NW., Washington, D. C., in such room as may be designated by the hearing room clerk in Room 1002 before the officer of the Commission previously designated herein.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1345; Filed, February 14, 1942; 12:04 p. m.]

DECLARATION OF EFFECTIVENESS OF PLAN OF THE NEW YORK STOCK EXCHANGE

The New York Stock Exchange, pursuant to Rule X-10B-2 (d) (§ 240.10B-2 (d)), having filed on January 31, 1942, a plan for special offerings contained in its Rules 490-497, inclusive, and having filed on February 6, 1942, an amendment to such plan; and

The Securities and Exchange Commission, having given due consideration to the terms of such plan, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly Sections 10 (b) and 23 (a) thereof and Rule X-10B-2 (d) thereunder, hereby declares such plan, as modified, to be effective until the close of business on July 31, 1942, unless the Commission otherwise determines, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may send at least ten days' written notice to the New York Stock Exchange terminating the effectiveness of such plan.

Effective February 14, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1344; Filed, February 14, 1942; 12:03 p. m.]

[File No. 812-229]

IN THE MATTER OF ALLEGHANY CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

Alleghany Corporation, a registered closed-end, management investment company, having filed an application pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting it within a period of six months from the date of any order to be issued hereunder to apply not more than an agregate of $1,750,000 to the purchase of any of its outstanding bonds;

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 23 (c) (3) of the Investment Company Act of 1940 be held on February 26, 1942, at 10:00 o'clock in the forenoon of that day in Room 1102 of the Securities and Exchange Building, 1778 Pennsylvania Avenue, Northwest, Washington, D. C.

It is further ordered, That Willis E. Monty, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1384; Filed, Feb. 16, 1942; 11:53 a. m.]

[File No. 812-253]

IN THE MATTER OF WESTERN NEW YORK FUND, INCORPORATED

NOTICE OF AND ORDER FOR RESUMPTION OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

Hearing on an application of the above named applicant to permit it to repurchase 12,500 shares of its common stock from Goodbody and Co., having been continued to permit filing of a supplemental application for the repurchase of 15,000 shares of applicant's common stock instead of 12,500 shares from Goodbody and Co., and said supplemental application having been filed for an order pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940, exempting applicant from the provisions of Rule N-23C-1 promulgated thereunder insofar as such rule limits the amount of repurchases of its outstanding stock to one percent a month;

It is ordered, That hearing on the above application be resumed on February 21, 1942 at 10:15 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, Northwest, Washington, D. C. On such date the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing for such matter. The officer so designated to preside at such hearing is hereby authorized to exercise any powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940, and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of public investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1385; Filed, February 16, 1942; 11:53 a. m.]

[File No. 70-499]

IN THE MATTER OF SOUTHERN-HENKE ICE AND STORAGE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than March 4, 1942, at 4:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is

on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Southern-Henke Ice and Storage Company, an indirect subsidiary of The Middle West Corporation, a registered holding company, proposes to issue an unsecured one year promissory note in the principal amount of $125,000 to City National Bank and Trust Company of Chicago to refund or renew the outstanding promissory note of the company in the principal amount of $195,000, dated February 8, 1941, to February 8, 1942, bearing interest from the date thereof at the rate of 5% per annum prior to maturity (and at the rate of 6% per annum after maturity) and on which the unpaid principal balance is $125,000, now held by said bank; the proposed note to be dated February 9, 1942, payable February 9, 1943 and bearing interest at the rate of 4% per annum prior to maturity and at the rate of 6% per annum after such maturity.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1386; Filed, February 16, 1942; 11:53 a. m.]

[File No. 70-500]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Declarant, The North American Company, a registered holding company, proposes to pay on April 1, 1942, a dividend to its holders of Common Stock of record on March 5, 1942. Such dividend will be payable in the Capital Stock of The Detroit Edison Company, owned by Declarant, at the rate of one share of Capital Stock of The Detroit Edison Company on each 50 shares of Common Stock of the Declarant outstanding. No certificates will be issued for fractions of shares of stock of The Detroit Edison Company, but, in lieu thereof, cash will be paid at the rate of 36 cents for each 1/50 of a share of stock of The Detroit Edison Company. The Declarant estimates that to pay the above mentioned dividend it will have to distribute not more than 155,000 shares of the 760,707 shares of Capital Stock of The Detroit Edison Company owned by it; that the amount of cash to be distributed in lieu of fractional shares of such Capital Stock will not exceed $375,000; and that the payment of this dividend will result in a charge to earned surplus of approximately $4,100,000.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 26, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commision.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1387; Filed, February 16, 1942; 11:54 a. m.]

[File No. 43-200]

IN THE MATTER OF WEST TEXAS UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

Notice is hereby given that a supplemental declaration and/or application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than March 4, 1942, at 4: 30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such supplemental declaration and/or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commision, Washington, D. C.

All interested persons are referred to said supplemental declaration and/or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed which are summarized below:

Pursuant to an agreement dated February 10, 1942 with the holders of its $2,930,000 principal amount of outstanding unsecured 3⅛% Serial Notes due June 13, 1942 to December 13, 1947, West Texas Utilities Company proposes to reduce from 3⅛% to 2¾% the interest rate payable on $2,404,000 principal amount of said Serial Notes due June 13, 1942 to December 13, 1946. The consideration for such reduction in interest rate will be the payment on or before February 28, 1942 of the $526,000 principal amount of said Serial Notes which mature on June 13, 1947 and December 13, 1947. The reduction in interest rate will be effective on a date to be designated by the company in accordance with the provisions of the agreement. Assuming this to be as of March 13, 1942, the company estimates the reduction will effect an aggregate saving in interest charges of approximately $23,103.

The Serial Notes are held by The Chase National Bank of the City of New York, Continental Illinois National Bank and Trust Company of Chicago, The Fort Worth National Bank, and Republic National Bank of Dallas, to whom said Notes were issued in 1939 in the original amount of $4,000,000.

West Texas Utilities Company is a direct subsidiary of American Public Service Company, a registered holding company, and an indirect subsidiary of Central and South West Utilities Company and The Middle West Corporation, both registered holding companies.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1383; Filed, February 16, 1942; 11:52 a. m.]

[File Nos. 70-463, 70-486]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY AND ASSOCIATED ELECTRIC COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 13th day of February, A. D. 1942.

Associated Electric Company, a registered holding company, having filed a declaration, as amended, pursuant to sections 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935

and Rules U-42 and U-43 thereunder, and NY PA NJ Utilities Company, a registered holding company, having filed an amendment to its application and declaration, which amendment was, in turn, later amended, pursuant to sections 9 (a), 10, 12 (c), and 12 (f) of the Act, and Rules U-42 and U-43 thereunder, regarding the following complementary transactions:

As part of a plan for the acquisition by NY PA NJ Utilities Company of a large amount of its bonds and debentures and certain securities of some of the subsidiaries, to facilitate such further steps as may be necessary for it to take to simplify its subholding system, to provide for its funded and other indebtedness, and to reduce the number and amount of cross-holdings of securities among companies in both the NY PA NJ Utilities Company system and that of Associated Gas and Electric Corporation, of which NY PA NJ and Associated Electric Company are subsidiaries, NY PA NJ Utilities Company proposes at the present time, in this transaction designated by it as "Transaction K", to transfer and deliver $3,015,000 principal amount of Associated Electric Company 4½% Gold Bonds, Refunding Series, due 1956, now owned by it, to Associated Electric Company, which in turn will acquire them, in exchange for the transfer and delivery to NY PA NJ Utilities Company by Associated Electric Company of $1,356,700 principal amount of The Mohawk Valley Company 6% Collateral Refunding Gold Bonds, due 1981, together with $50 in cash, representing an adjustment to the next lowest issuable denomination of said bonds, and with a cash adjustment with respect to the accrued interest on the respective securities credited to the respective transferers, to the date of closing.

Such declaration, as amended, and amendment to application and declaration, together with the amendment thereto, having been filed on January 20, 1942, and notice of said filings having been duly given in the form and manner prescribed under Rule U-23, promulgated pursuant to the Act; and

The Commission, not having received a request for hearing with respect to said declaration, as amended, and to said amendment to said application and declaration, as amended, within the period specified in said notice, or otherwise ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, and said amendment, as amended, that the requirements of sections 12 (c) and 12 (f) and Rules U-42 and U-43 have been satisfied and with respect to said amendment to the application, as amended, that no adverse findings are necessary under section 10 (b) and 10 (c) (1) of the Act and that the transaction involved has the tendency required by section 10 (c) (2) of the Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, of Associated Electric Company be and hereby is permitted to become effective and that the amendment, as amended, to the declaration and application of NY PA NJ Utilities Company (Transaction K) be and hereby is permitted to become effective and be and hereby is granted.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1381; Filed, February 16, 1942; 11:52 a. m.]

[File No. 70-494]

IN THE MATTER OF ATLANTIC CITY ELECTRIC COMPANY AND AMERICAN GAS AND ELECTRIC COMPANY

INTERIM ORDER AND NOTICE OF SUPPLEMENTAL HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of February, A. D. 1942.

The above named companies having filed a joint application and declaration and an amendment thereto pursuant to sections 6 (b), 10, 12 (b), 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-45, and U-50 thereunder, with respect to the following transactions:

Atlantic City Electric Company ("Atlantic City"), a subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, proposes to issue and sell or exchange 62,000 shares of its Cumulative Preferred Stock of the par value of $100 a share, at a price which shall be not less than $100 a share and which shall result in an annual cost of money on a stock yield basis of not more than 4½ percent, the exact price and yield to be determined by competitive bidding.

Atlantic City proposes to invite competitive bids on 49,000 shares of the new Cumulative Preferred Stock, which represents the entire issue less 13,000 shares, the minimum number of shares which the company estimates will be taken by public holders of 26,283 shares of its presently outstanding $6 Preferred Stock under the terms of an exchange offer; the invitation for competitive bids to provide that, if the holders of the old $6 Preferred Stock should take more than 13,000 shares of the Cumulative Preferred, then the number of shares to be sold to the successful bidder will be reduced by such excess; and that, if less than 13,000 shares should be taken by the public holders of the old $6 Preferred, the successful bidders shall have the option to purchase the additional shares represented by this deficiency at the same price per share as they have bid for the other shares; and that, in the event such option is not exercised, Atlantic City will sell to American Gas, for investment and not for distribution, the shares of Cumulative Preferred covered by such option at the same price as the successful bidders have bid for the other shares.

For each share of the 26,283 shares of old $6 Preferred Stock outstanding in the hands of the public, Atlantic City will offer one share of new Cumulative Preferred, plus an amount in cash per share equal to the excess of the redemption price of $120 per share of the old $6 Preferred, plus accrued dividends to the date of redemption, over the initial public offering price per share of the Cumulative Preferred (or, in case the successful bidders do not intend to make a public offering, over the price to be received by Atlantic City for said stock).

The proceeds of the sale of the new securities described above, together with a capital contribution as below noted, will be applied to the following:

(a) Redemption and cancelation of the 26,283 shares of old $6 Preferred of Atlantic City now in the hands of the public at the redemption price of $120 per share; subject to the exchange privilege above noted;

(b) Purchase for cancelation of 30,592 shares of old $6 Preferred of Atlantic City from American Gas for $3,059,200, being American Gas's cost of such shares;

(c) Payment of $2,500,000 due American Gas by Atlantic City on open account advances.

The balance of such funds, if any, will be available for the general corporate purposes of Atlantic City. Accrued dividends and interest will be paid by Atlantic City out of general funds.

Prior to, or concurrently with, the issue and sale or exchange by Atlantic City of the new securities referred to above, American Gas will make a capital contribution to Atlantic City of $2,500,000 in cash; upon receipt of which, Atlantic City will credit same to Capital Surplus (Account No. 270) and immediately thereafter transfer the same amount from that account to a reserve account to be entitled "Reserve for Possible Amortization of Acquisition Adjustment Account."

In connection with the redemption or purchase and cancelation of Atlantic City's old $6 Preferred, Atlantic City may obtain temporary loan of not to exceed $6,200,000; the note representing which temporary loan, if made, will be both issued and discharged on the same day on which the new Cumulative Preferred is issued.

A preliminary hearing having been held with respect to said matters, and the Commission having made and entered its findings herein;

It is ordered, That said joint application as amended be and the same hereby is granted, and that said joint declaration as amended be and the same hereby is permitted to become effective forthwith for the purpose of permitting the applicant Atlantic City Electric Company to proceed with its program of inviting, receiving, and considering bids for the proposed securities; subject, however, to the terms and conditions prescribed in Rule U-24;

It is further ordered, That not later than 10:00 o'clock A. M., Eastern War Time, on Wednesday, February 25, 1942, the applicant Atlantic City Electric Company shall file an amendment setting

forth the action taken to comply with Rule U-50 (b), a copy of each proposal received, and a statement of the action which it proposes to take with reference to the issuance and sale of the securities; and

It is further ordered, That a supplemental hearing be held herein on Wednesday, February 25, 1942 at 10:00 o'clock A. M., Eastern War Time, in the Commission's hearing room, 1778 Pennsylvania Avenue NW., Washington, D. C., with respect to the price, underwriters' spread and allocation thereof, or any other matter relevant to the action proposed to be taken by the applicants and declarants herein; and notice is hereby given that any interested person may, not later than February 21, 1942 at 1:15 P. M., Eastern War Time, request the Commission in writing for opportunity to be heard at said supplemental hearing, stating the reasons for such request and the nature of his interest.

By order of the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1382; Filed, February 16, 1942; 11:52 a. m.]